DATE: 04/17/2016

TO: Public Disclosure Commission
    Investigator Philip Stutzman

FROM: Joy Gilfilen, Taxpayer

RE: Misuse of Facilities, Authority & Resources Addendum to Noble Cause Corruption
    PDC Complaint #1122 filed 11-30-2015

Thank you for meeting with me when you came up to Bellingham. I appreciated you taking the time to
more deeply investigate this case. The eventual determination of the Commissioners will affect the
future health of our communities, will set the stage for future behavior of officials, and will establish a
precedent for proper business conduct in the administration of justice in our state for generations to
come. I appreciated hearing about the limitations of enforcement and the Commissioner’s concerns
about investigating the misuse of taxpayers’ funds and facilities.

I believe that specific factual evidence and documentation I have uncovered may assist your
investigation. (I have discovered facts about the noble cause corruption process I did not know
before.) Attached please find a three-part report and compendium of facts selected from over 3000
pages of research material.

I am neither an attorney nor a professional investigator, so I am providing a whole and integrated
picture of what I have observed as a concerned citizen. I rely on the PDC and other state investigators
to identify all the issues where legal violations have occurred. I trust you will respect and understand
that my use of any legal term is limited to that of a layman. I swear that the evidence provided is true
to the best of my ability to acquire and provide.

I separated the analysis and evidence into three segments for your benefit, so you can choose which
segment is most appropriate to your investigation, although they each inform the other:

1. **Yellow Flagged: Executive Branch Authority Controls – Pages 6**
   **Evidence of a Tax Scam in Progress Operating under Color of Law**
   This section includes systems and due process concerns that seem deceptive or may indicate
collusion between the top three elected officials responsible for upholding the law – Whatcom
   County Executive Jack Louws, Prosecutor David McEachran, and Sheriff Bill Elfo – working
   in tandem with private jail industry contractors and other insiders to the detriment of citizens.

2. **Red Flagged: Jail Industry Insider Tactics – Pages 33**
   **Exposing the Sheriff’s Hidden Insider Groups & Campaign Actions**
   This section is about campaign issues and direct misuse of County facilities and resources prior
to and during the campaign.

3. **Exhibits from Restorative Community Coalition – Pages 124**
   **Illustrating Taxpayers Requests for Fiduciary Responsibility**
   You will find selected key documents sent by the Restorative Community Coalition during the
   jail planning process and prior to the campaign to the legislative bodies and elected officials
   asking for taxpayers concerns to be addressed. These concerns were not addressed.
Friends have asked “Why have I taken so much time to do this?”

Honor. Integrity. Freedom. I believe that freedom is the ultimate responsibility. This is one way I can defend my own freedom and the freedom of our children. As taxpayers we deserve fair and honest business management from our elected officials. We deserve to not be bullied, duped, defrauded and misused by false authority and/or for the benefit of corporate or industrial market development.

I dislike that our elected and responsible Council members and the taxpayers are being manipulated and bullied inside or outside the jail. I oppose the underhanded growth of the jail and prison industry on the backs of trusting solid citizen taxpayers and on the backs of our young, displaced and poor.

I have some unique perspectives on what’s happened since I was a candidate running for Whatcom County Executive in 2015 (against the jail tax). As President of the Restorative Community Coalition, I’ve spent six years doing socio-economic and field research work with hundreds of local people to understand the dynamics of these matters. As a result I co-authored the alternative economic plan called “Stop Punishing Taxpayers, Start Rebuilding Community”.

I learned in our County specifically about police and court bias, about how unnecessary and deliberate overcrowding works. I learned about the disparity in civil rights, and the debilitating socio-economic and civic impacts of mass incarceration. I learned real facts about the economic impact on our youth, the addicted, and the displaced middle class. I am also an experienced businesswoman of 30 years with a background in real estate, business consulting, with a specialty in free enterprise leadership, sales and marketing. I’ve worked at the economic and political intersections of non-profits, government and business.

I have compiled this data for your investigation. And, I am giving it to the Whatcom County Council and to the taxpayers so they can comprehend what’s been happening on our watch. My intent is to help the leadership discover what went wrong locally so we can work together to resolve the problem. Let’s help people who are inside that jail be treated humanely and not be used as pawns in a con game that manipulates taxes to benefit the growth of jail industry markets.
Addendum to Noble Cause Corruption Complaint #1122 filed 11-30-2015

By Joy Gilfilen – Addendum submitted 04-15-2016
Written as a matter of public record to the Public Disclosure Commission

This report is prepared for investigators as a 3-Part Report providing evidence of the following:

1. Yellow Flagged: Executive Branch Authority Controls – Page 6
   Evidence of a Tax Scam in Progress Operating under Color of Law

   This section includes due process and systems concerns that are deceptive or may indicate collusion between the top three elected officials responsible for upholding the law (Whatcom County Executive Jack Louws, Prosecutor David McEachran, and Sheriff Bill Elfo) who have been working in tandem with private jail industry contractors and other insiders to the detriment of other policy making bodies and Whatcom County citizens.

2. Red Flagged: Jail Industry Insider Tactics – Page 30
   Identifying the Sheriff’s Hidden Insider Groups & Campaign Actions

   This data-filled section is more specifically about the 2015 campaign issues, and illustrates direct misuse of County facilities and resources prior to and during the campaign. It provides details of how jail industry strategists and insiders have worked inside Whatcom County facilities as volunteers. Campaign work includes fundraising, marketing, blogging, training, recruiting, strategizing, and tactical projects. It was done using county facilities, resources, e-mail addresses and staff time prior to and during this election cycle and in coordination with the jail planning consultant’s (DLR Group) campaign calendar, and Citizens for a Humane and Safe Jail Now PAC.

3. White Flagged: Exhibits from RCC – Page 120
   Illustrating Taxpayers Requests for Fiduciary Responsibility

   This is a supplementary selection of background correspondence and testimony sent by the Restorative Community Coalition (RCC) to County, City and Tribal officials during the jail planning process that shows that taxpayers have been asking for due process and accountability. It illustrates how their concerns, while expressed, were ignored and summarily dismissed as ‘outside the scope’ (of planning to build the jail). This Coalition is a non-profit representing the ‘silent silo’ of people affected by an arrest, together with their hundreds of volunteers. They were expressing civic and economic concerns raised by County staff, other groups, businesspeople and many citizens directly concerned about civil rights. Yet these taxpayers were effectively shunned and bullied, and their ideas and concerns not addressed. Why not?
Overview:

The author of this document has found research that indicates the 2015 campaign mailer issue was just the tip of the iceberg in unearthing a bigger problem – the existence of what amounted to a tax scam that was thankfully voted down by taxpayers in 2015. However, the conditions and planning is now continuing into 2016, so the matter is ongoing. A scam is defined as a “dishonest scheme, a fraud, or a swindle”.

This document addresses some of the decades old issues raised by Sheriff Bill Elfo in the Whatcom County Jail Report mailer, and then raises more questions about the intentional misuse of facilities and funds that were to benefit jail industry interests. And it raises even more questions about the taxes that were passed in 1999, 2004 and 2008 – why they were used to expand jail industries programs and not quite used for the purposes they were promoted to solve. This is all directly relevant to the sales tax Proposition 2015-1 issues – yet this information was excluded from the mailer.

In essence, the scam looks like this:

The Executive Branch of Whatcom County (specifically the top three offices of the County Executive, Sheriff and Prosecutor who were named in the mailer, and who are responsible for enforcing the law), used their economic, enforcement and legal influence to manipulate the people. They control the conditions of the jail. They control the administration and process of policy making. They control the press, public relations initiatives and “story” contrary to the public’s best interest. They manipulated conditions to convince the voters to fund more bureaucratic and jail industry market expansion. How?

1) They worked closely with jail consulting contractors and biased insiders (over time and deliberately);
2) to control planning to build a bigger jail and expand jail industry markets (without educating Council);
3) used ‘fast track’ and hardball sales tactics at critical points such as the 10-day duress method to compel the purchase of over-valued land (called a Tax Heist by citizens), then used the small cities to gang up on the Council, to pass the sales tax initiative to the ballot; and
4) used techniques such as overcrowding, fear-mongering and emotionalism to compel the voters to pass another sales tax that would put taxpayers in both capital and operating debt for generations to come.

They did this without disclosing that the sales tax was in fact contrary to public safety, that the jail plan yields a massive negative return on investment relative to alternatives, and without disclosing that the passage of that tax, prior to the approval of a jail plan, would have presumptively authorized the over-building of a regional jail project, creating the economic vacuum to expand the private jail vendor industry interests in Whatcom County to the detriment of taxpayers.

Deeper analysis shows this was done using the false flag of offering public safety while not discussing and withholding emergency solutions, and simultaneously using the shame of being inhumane, together with the guilt of overcrowding and the fear of catastrophe and financial liability to threaten taxpayers. They used County tax money, facilities and resources: all without full disclosure, due process and transparency.
Sources of Information:
The information in this report has been synthesized by the author’s experience, with facts and documents gleaned from six years of hard work. Where it seems appropriate in the report, pictures of documents are included, references are given, and more evidence is available to investigators as needed. Several thousand pages of documents are stored in PDF form online in multiple locations. A disclaimer is that this author is not an attorney, so cannot define all the legal issues that are involved here, and may unwittingly use a technical term with a layman’s understanding. Please clarify and excuse this if you find an error. The author understands that this is a complex problem with many intersections that must be unsnarled and resolved for the taxpayers. The knowledge of this subject and source information comes after:

- **3,000 pages of unique documents** that were collected, cross-checked and analyzed over time that came from public records requests, social media, websites, press releases, newsletters, Google searches, e-mail correspondence, minutes of meetings, and items sent to the author by investigative journalists. This doesn’t include the other thousands of pages examined from public meetings, public testimony, radio shows, Environmental Impact Statement documents, personal correspondence with officials both as an individual and as President of the Restorative Community Coalition. All of this information can be made available – most already is in PDF format.

- **Participating in dozens of Whatcom County Council meetings, Jail Planning Task Force meetings and public meetings submitting concerns.** Testifying during the Scoping Hearings, during the Supplemental Draft EIS and the Final Environmental Impact Statements processes, researching the land purchase, and subsequently attending the Incarceration Prevention and Reduction Task Force meetings. All these events and documents are a matter of public record. An 80 page packet of Restorative Community Coalition testimony and correspondence submitted to policymaking bodies during this process is attached. In it you will see that the Executive Branch has been asked for reviews, public hearings, for a proper Needs Assessment, for discussions of alternative economic options and they stonewalled.

- **Acquiring and studying the local to national statistics of crime trends, return on investment figures, prison and recovery stats, issues of trauma, abuse and economic development as it relates to trends in business, poverty, incarceration, addiction, social decay, joblessness, free enterprise and politics.**

- **Interviewing hundreds of people – people who are part of the system** as employees, inmates, or family members who have been affected, their bosses. And people involved in prison reform, restorative justice, mental health, or civil rights issues. Some of these people would be willing to step forward as witnesses to the inhumane treatment of people, to the duress people in the jail, their families and people in the streets experienced, to the civil rights violations and more.

- **Attending and hosting panel discussions, trainings and conferences**, talking with County staff, politicians, police officers, judges, prosecuting attorneys and public defenders, non-profit executives, business owners, emergency and homeless service providers about the intersections of all these social problems. You can verify at RestorativeCommunity.com or on our Facebook page Restorative Community Coalition.

From this research, the author has been able to see the paper trails, to identify the patterns, trends and facts that show how the people are being manipulated, how campaign rules have been violated, where the misuse of funds and facilities occur and the how the misuse of authority has set the stage for a master con game.
Part 1:

Executive Branch Authority Controls

Evidence of a Tax Scam in Progress Operating under Color of Law
Chart Illustrates Layers of Deception below the Mailer Image
A paper trail of evidence has emerged that shows how taxpayers were deceived – just with the premeditated planning and obvious use of the local mailer. This chart is a step-by-step illustration of how the use of taxpayers’ money is hidden (in plain sight) inside a flashy marketing tool that epitomizes the public sales pitch: a pitch “sealed” by the authority of the three top officials. Behind the shield of credibility is the hidden story of how this mailer was intended to walk the line of being legal1. What’s behind the ink?

Beautiful, Strategic Marketing Mailer:  
Hides the Negative Impacts:

1. The Whatcom County Mailer was “Official.”  
   It used **much more than the reported** $28,452 of taxpayers’ money to produce and distribute unfair and biased advertising to targeted groups... (see next page email)  
   (Non-trustworthy promotional advertising is biased, deceptive, triggers emotional compassion & fear, is misleading, incomplete, non-transparent and detrimental to citizens)

2. which was intended to persuade voters to pass a jail tax...or feel irresponsible  
   (without fully disclosing that this forever tax will fund ongoing jail expansion forever)

3. to fund an unapproved capital project and incur a high cost forever operations debt...  
   (without full discussion with voters nor a full disclosure of long term impact and risks)

4. which underwrites jail industry contracts & expansion projects with cash flow...  
   (guaranteeing a revenue stream to industry contractors without full disclosure to voters)

5. as industry vendors continue to infiltrate our government, using privileges both as paid contractors and insiders...  
   (who are underhandedly given privilege which results in an imbalance and potential abuse of power)

6. against our social good...and contrary to best return on investment statistics  
   (as proven by recent DOJ statistics, Vera Institute and other nationwide studies)

7. without a valid needs assessment or fiscal analysis to justify taxpayers investment in the capital project & operations2  
   (unsubstantiated claims of facilities need does not include SWOT analysis, market facts and trends from down-trending crime stats )

8. without full disclosure to the voters that they have already invested and earmarked sales taxes in 1999, 2004 and 2008  
   (millions of dollars have been collected, appropriated, and redirected differently than promised)

9. And...ultimately if passed, the empty and big regional jail opens up new markets to be filled by the supply and demand forces...which **insures inflow of citizens into the jail, which increase the demand for jail services and a compounding positive return on investment to the jail industry** (at the net debt/expense of taxpayers).  
   (Bottomline: While jail industry business profits increase, there is a net negative internal rate of return on investment to the taxpayers, who are now in a high hard cost operating system grinder where increasing costs produces a contrarian business model that holds taxpayers hostage, and creates a degenerative spiral of social decay.*

*The fundamental lie is that serious crime has dropped in Whatcom County since 2009 – lowering demand. Yet contrarily, the Average Length of Stay went from 9.7 days in 1986 to 22 days by 20123. Why?

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1 In testimony to County Council on 10-27-2015 the Prosecutor declares his attorneys spent days planning the mailer.
2 The claimed Needs Assessment is in fact only a 6 page Jail Capacity Needs Document that was delivered after planning was already completed and was dismissed on Page F5-7 in the Whatcom County FEIS report as faulty and therefore unused.
3 Data from Page S-1 of the FEIS Report on Whatcom County Adult Corrections Facilities and Sheriff’s Headquarters 11-08-2013 PDC-Addendum1-0417-2016.docx
Email Correspondence from Taxpayer with Executive’s Office asking for Clarification of Facts related to Costs of Mailer

From: Tyler Schroeder <tschroed@co.whatcom.wa.us>
Date: January 13, 2016 at 10:36:45 AM PST
To: Sandra Robson <sjrer2@yahoo.com>
Cc: Jack Louws <JLouws@co.whatcom.wa.us>
Subject: RE: Following up on my voice mail from Jan. 11

Sandy,

Thanks for your email on this subject. I have attached an email sent to Councilmember Sidhu in October of last year on this subject. Please see the email for additional information.

The informational mailer was sent to every registered voting household in Whatcom County. 62,172 mailers were printed and sent to every registered voting household in Whatcom County. The cost of the mailing for printing and postage was $27,670.76. The contract with DLR had a budget amount of $28,452 for printing and mailing. Associated with the public outreach component with the DLR contract there has been $16,350.00 for research, design and production of the mailer.

Please let me know if you have any other questions.

Thanks,
Tyler R. Schroeder
Whatcom County Deputy Executive

Whatcom County Executive’s Office
311 Grand Avenue, Suite 108
Bellingham, WA 98225
Ph 360 778 5207

Disclaimer: Public documents and records are available to the public as required under the Washington State Public Records Act (RCW 42.56). The information contained in all correspondence with a government entity may be disclosable to third party requesters under the Public Records Act.

From: Sandra Robson <mailto:sjrer2@yahoo.com>
Sent: Wednesday, January 13, 2016 12:20 AM
To: Tyler Schroeder
Cc: Jack Louws
Subject: Following up on my voice mail from Jan. 11

Tyler,

Hope you are doing well. I called Monday, Jan. 11, and left you a voice mail asking a question. That question was something to the effect of:

1) What exact criteria was used for mailing out the 2015 new jail mailer to Whatcom County residents that was mailed out during the 2016 general election?

I have heard several different answers on that so I would like to get an official answer from you/Whatcom County. The Bellingham Herald had reported in an October 15, 2015 article that:

"The day before many households would start to see ballots arrive from the auditor’s office, each household with at least one registered voter got a flier from the county labeled the 'Whatcom County Community Report: Whatcom County Jail.'"

Also, the Herald reported in the same article that the cost to the County for the jail mailer was $28,452 according to a county contract.

2) Can you tell me if that $28,452 included the design work by DLR and/or any others who might have
worked on creating and producing the mailer?
3) Or was it just the mailing costs?
I would appreciate you providing me with answers on my three questions as soon as possible.
Thank you.
Regards, Sandy Robson

---------- Forwarded message ----------
From: Jack Louws <jlouws@co.whatcom.wa.us>
To: Council <Council@co.whatcom.wa.us>
Cc: Bill Elfo <belfo@co.whatcom.wa.us>, Dana Brown-Davis <dbrown@co.whatcom.wa.us>, NaDean Hanson <nhanson@co.whatcom.wa.us>, Jill Nixon <jnixon@co.whatcom.wa.us>, Marina Engels <mengels@co.whatcom.wa.us>, Kristi Felbinger <kfelbing@co.whatcom.wa.us>, Tyler Schroeder <tschroed@co.whatcom.wa.us>, Dewey Desler <ddesler@co.whatcom.wa.us>, Tawni Helms <theilms@co.whatcom.wa.us>, Daniel Gibson <dgibson@co.whatcom.wa.us>, David McEachran <dmceachr@co.whatcom.wa.us>
Date: Wed, 21 Oct 2015 15:48:07 +0000
Subject: Response to Councilmember Sidhu’s questions concerning mailer
Dear Councilmember Sidhu:

Please see my responses below each of your questions. Thank you.

1. In the past 4 years of your tenure as County executive, how many times you / your admin has sent similar Community Informational brochure to the residents covering what kind of subject matters.

*Yes, the County has sent out informational mailers a number of times over the last four years. Examples of these mailers are on specific countywide issues pertaining to;*

- Water resources and flood matters to residences that those issues pertain to *(BBWARM newsletter, Lake Whatcom postcard, Annual River and Flood Newsletter)*,
- Postcards and letters on on-site septic operational and maintenance issues in specific watersheds and printed brochures for recycling and solid waste,  
- Annual postcards to residences in the Swift Creek area to remind those residences of actions needed during floods and
- Ag newsletter to Countywide (Rural and Ag) residences

*Most of these mailers on our specific issues to specific residences in Whatcom County. These mailers have been in the newsletter and postcard format, sent to between 7,000 and 16,000 residences in Whatcom County and have cost between $5,000 to $8,000 for printing and mailing. My office has some examples of those mailers if you would like to see them.*

*If you mean specifically the County Executive’s Office, please note, given the importance and cost of this entire jail project our office is the manager and oversees the planning and development of the new jail project. Since the ballot measure for the sales tax increase is a countywide issue the information mailer was sent to all registered voting households.*

Has this been a standard practice by your admin and prior admins to mail similar community updates?

*The informational brochures and update as discussed above have been used as a method of informing Whatcom County residents on important matters.*

2. If yes, has the occasions been coinciding with election ballot drop dates?

*Generally no, but please note the County does not often take large public projects for taxes and ballot measures. The jail information mailer was sent out to inform Whatcom County residents of this important and large public works project. While it is not part of your question, please note that Skagit County issued A huge glossy at election time to sell an ‘emergency’ jail tax to voters is not comparable to these public works pieces. Inquirers were told it was a select mailing.*
an extensive community report to their residents just prior to the August 2013 jail and sales tax ballot measure. Please see a copy of the attached reports to compare the content of these reports.

3. Was this brochure mailed to every registered Voter in the County or every resident of Whatcom County?
The informational mailer was sent to every registered voting household in Whatcom County.

4. How many copies were printed and mailed?
62,172 mailers were printed and sent to every registered voting household in Whatcom County.

5. Does the cost of approx $28,000 is for printing alone or both Printing and postage cost?
The cost of the mailing for printing and postage was $27,670.76. The contract with DLR had a budget amount of $28,452 for printing and mailing.

6. How much, if any contribution was made in-kind or cash by DLR towards this brochure?
No in-kind or cash contribution was provided by DLR for this informational mailer. This public outreach service is a part of the DLR contract and the services are provided in conjunction with their other design, architectural and engineering responsibilities for the new jail project.

How much County staff time (approx dollar value) was spent to prepare this brochure?
No new content was created by County staff for this informational mailer. The report contains information from existing documents created over the last few months for County Council and community review in preparation for their decision to place the ballot measure on the General Election. The total County staff time was not tracked but is considered minimal. The County staff time encompassed compiling the existing information, reviewing DLR’s work in preparing the mailer and working with the Prosecuting Attorney’s office to ensure consistency with PDC guidelines.

7. How much was paid to the third party contractor / Copy Writer to prepare this brochure?
Associated with the public outreach component with the DLR contract there has been $16,350.00 for research, design and production of the mailer in August and September. The invoice for October has not been received but only minimal work by DLR was devoted towards the final coordination and review of the informational report.

I would like to thank you for your questions on the information mailer. The intent of this mailer was to inform our citizens on this very important public project. This informational report is in line with the guidelines as authorized by the PDC where they note “it is not only the right, but the responsibility of local government to inform the general public of the operational and maintenance issues facing local agencies.” It was reviewed by county legal staff. The PDC further describes “that every agency may distribute throughout its jurisdiction an objective and fair presentation of the facts for each ballot measure.” The need to inform the public concerning this important issue stems from the fact that not correcting the deficiencies of our existing jail facility by building a new replacement jail continues to have the County at significant risk for potential liability, as has been discussed in the last years.

I’m planning on engaging the council on this issue at the Finance Committee meeting at 11 AM, next Tuesday.
(Dana, please forward as per Councilmember’s request)

Jack Louws
Whatcom County Executive
311 Grand Avenue, Suite 108
Bellingham, WA 98225

Is this true? These answers are confusing and seem to seriously minimize the true hard and soft costs of writing and producing a brand new 4-page, full color double-sided, one-piece glossy brochure that has to go through full marketing design, then multiple attorney’s legal review, then PDC review – then designing, printing, folding and mailing 62,000 of them.
Resistance to Economic Alternatives to Building a Big Jail was a Red Flag

At first, the author simply trusted the authorities when they said they needed a big new jail. O.K. They said that public safety was a big issue, that the border brought in extraordinary trouble, that the jail was overcrowded and in bad shape. OK. Then they said we were going from 300 or so to 800 beds, with room to expand to 2400 beds...outside the county seat, on a railroad spur. What? Eight times the size? Hmm.

Wake up: Then various members of the Board of Directors of the Restorative Community Coalition started comparing information, starting interviewing people arrested about the process. We asked about what happened to them from arrest to release from County Jail - what their stories were, about the conditions, what was happening from the inside? Their stories did not match the stories of the authorities. At first we doubted, then started seeing consistent patterns of misinformation, abuse and injustice by the authorities. What’s up with that? Information came in from people who were very different and did not know each other. We started gathering local statistics, observing court proceedings, tracking more and comparing to national statistics and behavior at other regional jails, state and federal prisons. Things were not adding up.

Pay Attention: Then we started witnessing officials prevaricating, using doublespeak and changing facts for different audiences – targeted audiences. We knew then that something was seriously wrong. As we asked clarifying questions, definitions of things changed, context of information given and received didn’t always add up. Nothing matched with what we were hearing from certain employees, defenders and it didn’t match the stories from the streets, from other non-profits, and not from the inmates, family members.

Get Involved: As solid citizen taxpayers and business owners, our RCC Board members started to stand up and testify, share ideas, produce solutions – to participate in the process we believed in. We were naive. It was not well received by the officials and certain groups. In the last section of the Addendum, you will find over 80 pages of selected documents we submitted to different authorized bodies. The response was often stonewalling and marginalizing. No one wanted the information. Why not? Then these things happened:

1. **Scoping Hearing** – Were told politely we could speak, but that our kinds of comments would most likely be outside the scope (their job was to plan to build a jail on that property, not discuss alternatives)
2. **Uninvited from the Right-sized Jail Group**
3. **Denied a seat on the Jail Planning Task Force (JPTF) by then Executive Pete Kremen**
4. **Restorative justice, economic recommendations** not discussed or included in the final report of the JPTF
5. **Testified at SDEIS Hearings** – and found out that most comments were dismissed as “outside the scope” in the FEIS document. Attended Council meetings, testifying in 3 minutes increments. **Requested Public Meetings, Analysis, Opportunities to present** a full presentation to the Council – denied repeatedly.
6. **Council purchased the land for the jail** – with no public hearing, no approved plan...under duress.
7. **Author was told to “stand down”** by a “big businessman”, told the jail was a “done deal, you can’t win.”
8. **Board was asked to “stand down” from opposing the jail** - by two non-profit leaders “you can’t win”.
9. **Board member was uninvited from being a speaker at a Behavioral Health Event**
10. **Asked to leave a Small Cities Mayor’s Meeting** – even though we were invited by a Council member

The author knew beyond a doubt we were in a serious mess and registered to run for County Executive to challenge the status quo, stop the jail tax. That weekend two officials and a campaign consultant called – not to congratulate, but to ask the candidate not run for office, to resign immediately. I did not stand down. I stayed in the race and did more research. And I found answers I did not expect. Please go to pages 23-29 if you want to read further stories of our challenges. Otherwise, the next pages will illuminate discoveries.
Hidden Agenda

**Discovered: Codependent Government and Jail Industry**

Right off the top, few voters know the economic power and the push/pull tug-of-war that was created economically as policies of mass incarceration spawned the growth of the privatized prison industrial complex nationally. This is like a mushroom cloud that has become an $80 billion dollar mega-force injecting many hidden dynamics into our current economy. Whether or not we have private prisons is not the point. The privatized “punishment for profit” economy has spawned thousands of offshoot companies that make money on incarceration expansion. This is contrary to protecting freedom. Instead our country is #1 in the world at excellence in incarceration.

Under that bigger umbrella, the smaller ‘jail industrial complex’ has been born. The author discovered that this industry is the marketing funnel for the jail industrial complex. It has expanded in cities, counties and states across the nation. Especially in Whatcom County – a national border County. As funding for jails increases, funding goes down for the less hidden education and tourism industries. Incarceration companies contract with government corporations to provide exclusive and specialized services such as food, toiletries, telephone, urinalysis, video conferencing, Electronic Home Monitoring technology, etc. See the next two pages to get a general idea of the size and scope of this emerging “free venture” industry.

1. **Contrarian Industry in Washington State:** The Washington State Jail industry Board was established by legislative mandate in 1993 to help expand and grow these jail industry markets. It has become a nightmare for voters, for we pay on the front end to underwrite the costs of expanding big jails, and then write vendor contracts to build and service the clients. Voters pay again at the backend as family members, employees or neighbors get arrested and consumed by the system (refreshes cash flow). This industry has created a market demand for people to get arrested and incarcerated and to support the increase in mass incarceration. It is oppositional.

2. **Closed Loop Profiteering:** Let’s examine a cell phone vending company that receives an exclusive contract with the County to provide services to inmates. For an inmate to place a call his family must pay a fee to preload money on a card. With that contract, the vendor receives a pretty well guaranteed steady income from the County and acquires the right to exclusively market/sell their high cost goods and services to captive inmates and their families. Inmates and families are vulnerable to extraordinary fees, for they have no choice of vendor. This is closed loop profiteering where the vendor receives a stable source of steady cash flow from the County who gets kickbacks called expense revenue. And vendors increase their profit margins.

3. **Human Cash Value Commodity:** Once arrested, people become a commercial cash flow asset to the companies who will market products and services to them and their families. Since they are incarcerated, they are a targeted audience. They get offered credit cards, telephone services, canteen foods & gift packages and more. 1st time arrestees are a low value asset, but as they stay longer, or become repeat offenders their cash value goes up...they are buying more services. And taxpayers pay. A one-time minor offender might only generate $10,000 in cash flow spin, but a person who goes in for 5 years could be worth $250,000 in cash flow spin to the bureaucracy and contractors. There is a negative, contrarian incentive to keep people recycling.

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4 Ave. Cost of incarceration in Washington State for 1 year is $51,775 according to Vera Institute.
Which Sectors of America’s Criminal Justice System Are Run by Private Companies?

Today, private companies hold contracts that allow them to profit off all corners of America’s criminal justice system. Consequently, many people charged with crimes are exposed to the profit-seeking of companies every step of the way, from entering the system to being released. This graphic depicts the possible paths of someone who is charged with and found guilty of a misdemeanor, revealing the various privatized services provided by the corrections industry.

Each year, the private corrections industry collects hundreds of millions of dollars in profits from taxpayers. To strengthen safety and justice in our communities, we should invest that money in improving and expanding treatment and rehabilitation programs. Programs Not Profits is a multi-year campaign that promotes replacing private profits that hurt incarcerated people, correctional officers, and taxpayers, with publicly funded and managed programs that provide job training, mental health care, and substance abuse treatment. Follow along and get involved at www.programsnotprofits.org.
Today, private companies hold contracts that allow them to profit off all corners of America’s criminal justice system. Consequently, many people charged with crimes are exposed to the profit-seeking of companies every step of the way, from entering the system to being released. This graphic depicts the possible paths of someone who is charged with and found guilty of a felony, revealing the various privatized services provided by the corrections industry.
Local Law Enforcement Bias
Hid the Jail Industry Marketing Game

Whatcom County voters are especially vulnerable to the jail industry market pressures and to the law enforcement bias. We are a border county, a college town. We have a native tribe standing up for treaty rights and we are all under pressure from economic challenges, from environmental issues and from coal, oil and other industries. In the last couple decades, it has become increasingly confusing to live here. For example:

1. Citizens get bombarded with mixed messages from our authorities.
Whatcom County is on the northern border of the nation. It’s reported that this County has an over-abundance of police per capita (with families to support). Taxpayers are paying for an expanding enforcement bureaucracy with expanded SWAT teams and military equipment. Even with an extraordinary number of border patrol agents, the comparative arrest statistics at the border have gone down. What’s up with that?

See Part 3 - White Flagged: Testimony and Letters from RCC, page 1 Email where the RCC reports 15 Revenue Generating Practices. *We have had three police caused deaths just in the last few years, and revenue generating practices seem to be systemic.*

The Prosecutor testified before Council that since 2009 serious crime rates are down 25% and that juvenile crime rates are down 80% - and that is why we need a bigger jail. What? Rather than this reduction in crime reducing our occupancy rate in the jail – the occupancy rate stays contrarily high? The RCC found evidence that administrative decisions like reducing good time have overcrowded our jails, bails remain high, and people can spend days inside waiting to find out what they have been charged with, others spend months waiting for drug court – when drug court was reduced and is not full. People wonder why?

2. Citizens witness Inhumane Treatment of Offenders. Voters are aware that people who are arrested are mistreated, even the non-violent. Yet, rather than working to solve the problems inside the jail using prosecutorial discretion, administrative changes, and their own WCC 1.28.100 - the three top elected officials who are responsible for upholding the law and protecting the citizens are instead pushing to expand the jail industry market share. They have not been willing to examine past practices for police bias, or bureaucratic revenue generating or over-criminalization. See Red Flagged section – the last section about potential violations of WCC 1.28.100 and other taxpayer questions. As pointed out, the RCC sent in 15 concerns for consideration and review – and these questions have gone unanswered by these officials.

3. Taxpayers’ Default Setting is to Assume Authorities Tell the Truth: To not trust them feels like betrayal. The average taxpayers default setting is to want to trust authorities and to mind authorities. We are taught to respect them, not argue. Taxpayers are pre-disposed to trust those who will face bullets to protect us. Taxpayers pay taxes. Taxpayers trust in our ideals of justice as a core value. We elect and then put our trust in the local authorities who take an oath to protect us, to manage our business affairs.

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5 Whatcom County Council Meeting May 12, 2015 – Prosecutor David McEachran testified and showed slides.

PDC-Addendum1-0417-2016.docx
Taxpayers blindly believe that our civil rights are guaranteed by the US Constitution. So even when things don’t add up, normally we still default to trust these authorities when they claim they need more money, that “public safety = jails”. It turns out the logic is flawed, and bias skews truth.

4. Taxpayers are Conditioned to Pass Public Safety Taxes. As authorities asked, taxpayers already passed multiple taxes - in 1999, 2004, and 2008 for criminal justice, the jail, mental health. Now taxpayers have learned that the tax money was diverted from the purpose taxpayers expected. We’ve learned that by 2010 when crime was dropping, and even with the millions in additional revenue coming in, still the problem of overcrowding got worse, mental health issues got worse, and now the jail is in emergency conditions? It’s suspicious. When asked, part of the answer is that the 2004 taxes were used to expand work release and jail industries by increasing arrests – not to build the replacement jail as we were promised. We’ve learned these are two different things.

Taxpayers have learned that the jail vendor intake from family members of inmates has accelerated to the point some people spend $1000 a month for food, phone and fees to support of a family member who is in jail. Some people spend months before they are allowed to go to drug court. All this can be verified. The public has discovered statistics that prove that jails don’t work, that they cause poverty – and they perpetuate trauma, the root of dysfunction. These elected officials continually refused to address the jail related issues with concerned taxpayers.

5. Sales Pitch: Inhumane. This time the core marketing message of this sales pitch – from the press releases to the videos from the Sheriff’s advisory groups and the PAC – was guilt and fear of being inhumane, backed up by a deeper fear of violent people, then a threat of severe liability. Notice however, that the Sheriff has no emergency plan to reduce overcrowding, or remove his staff from harm’s way. Even if voter’s passed the tax, a new jail still wouldn’t be ready for four years. What’s happened when the man in charge of the jail’s maintenance and operations, in charge of emergency management, and in charge of directing the budget provided by past taxes – gives us a report that the jail is in emergency crisis conditions? Why is there no call for investigation into mismanagement?

Summary: Taxpayers in the past three campaign cycles have trusted the authorities’ story. This time, trust failed. Taxpayers discovered that the sales pitch – the marketing story – was a lie. The marketing and media messaging was dishonest, untrue and a cover-up. The mailer was deceptive, the videos were hyped up, the press was fear based and amped up to scare taxpayers into buying the jail, buying the tax or fear the consequences…catastrophe or violence.

Taxpayers discovered that jail planners, builders and vending contractors are all profiting on the taxpayers in a vicious cycle. The ideal of “justice” has sold out to bureaucratic protectionism and expansion. Government contractors and jails have become the profit centers and the marketing arm for the prison industrial complex. Yet, nationally the political climate and market trends are changing. Locally, our authorities refused to talk about that, and did not include that fact in the mailer.

Instead of promoting public safety, the taxpayers realized they have been duped. Statistics now clearly prove that jails promote criminalization, revenue generating, biased and predatory behaviors by our police, law enforcement and court systems. Taxpayers have learned that the public’s true safety comes from a healthy population of people, not more punishment. The solution to safety is to invest in people, employment & education! None of this information was included in the mailer.
Executive Branch and Jail Industry Contractors Controlled the Rules and Contained the Process

What are the “hidden dynamics” or underground market currents that are driving jail planning and jail tax initiatives in Whatcom County? Who controls the big picture game? Facts about what happened are shown in the next pages. A short story on this page provides a snapshot look at how the system of governance got out of balance at its foundation. Biased assumptions were made that were never corrected. Once a bias is established as fact, the habit to reinforce and ‘cover-up’ past decisions corrupts due process. The process took years, cost taxpayers millions of dollars for a jail that the Council did not sign off on. Cities did not agree to cooperate and the voters did not approve the funding to build a bigger jail. What happened?

1. **Authority**: Timing, sequencing and due process of the initiative is essentially controlled by Executive Branch authority, specifically the CEO or County Executive. This office controls the timing of reports, budget requests, RFP’s, contracts; is in charge of facilities; controls the records and facts regarding supply and demand. The CEO has power with the home court advantage. They control hiring and firing – and in essence the administration of law. Many elected officials and employees have been established in positions of power and privilege for 20-40 years in Whatcom County - focused on building a big, new jail.

2. **Experts Endorse**: The Executive branch writes the RFP’s, and hires jail industry consultants to support the big jail plan. Without a valid independent Needs Assessment and SWOT analysis to analyze taxpayers return on investments and trends for the people, the biased “experts” (who benefit by the outcome of building a big jail) endorse the flawed agenda.

3. **Insider Volunteers**: Establishing jail industry volunteers inside the Executive branch in key positions behind the scenes provides extra leverage. This was done in the Sheriff’s office with the tacit consent and approval of the Executive and the Prosecutor. Volunteers are unseen by the common observer, and they are automatically excused from accountability. As volunteers they only reported to the Sheriff. Yet they know everything because they rub shoulders with everyone.

4. **Inside Teams**: Two of the top level ‘inside volunteers’ coordinated with the Sheriff through a 501C3 non-profit and other groups to gain advantage using presumed authority to push the agenda.

5. **Result: In effect, insiders ‘run under the radar’.** They are free to advocate for the jail, they managed the campaign to expand jail industries plan and to pass the tax.
   - These insiders have space inside the Sheriff’s office using taxpayers facilities
   - They have direct access to build relationships and work directly with county staff
   - Privileges extended by the Sheriff produces climate of presumptive position & implied authority
   - There is no public oversight, review or accountability, no employee review of work produced
   - Using county facilities, privileges and email addresses they get additional rights to access privileged information, and receive stature in the community
   - Being an insider they essentially have ‘cover’ to move easily throughout the Executive Branch
   - They give and receive favors, share privileged information, help facilitate and buffer the process
   - They coordinate, synchronize and regulate communications and are the hub or ‘go to’ person
   - They then consolidate resources, centralize efforts to organize and direct the distribution of information into targeted niche market segments.
**Fatal Flaw: No Basis Established.** No valid Needs Assessment was produced to establish a solid economic or factual basis for funding a $100 million forever tax. All attempts were flawed, excluded discussions of economic alternatives to building the jail, and were not vetted by outside un-biased parties.

<table>
<thead>
<tr>
<th><strong>2010 Flawed Plan</strong></th>
<th>In May 2010, the Restorative Community Coalition presented the Executive Branch <em>restorative justice, prevention and other alternatives to building the big jail</em>. Offer was dismissed; instead the first EIS was delivered <em>with a known faulty Needs Assessment that raised the psychological bar for the public to accept a smaller jail</em>. The Council then created the Jail Planning Task Force – which was weighted to jail industry interests.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grossly oversized facilities plan is for 2400 Bed Jail</td>
<td>The Restorative Community Coalition, the one organization representing inmates and in opposition to building a big jail, was intentionally excluded from the Task Force. <em>No corrected Needs Assessment</em> was provided to the Task Force; instead they worked without facts or a solid basis and eventually hired <em>another jail consultant</em> who recommended the 700 bed jail, which paved the way for the new SDEIS. This consultant <em>did not include alternatives to building the jail</em> either. Council members did not attend any of the 7 AM meetings. 3 min. comments were allowed, <em>no open public discussion</em>.</td>
</tr>
<tr>
<td><strong>Jail Planning Task Force</strong></td>
<td>Public comments <em>asking for alternative options to building the jail</em> were given by the public in the 3-minute jail industry controlled public hearings. Most concerns were summarily dismissed as ‘outside the scope’ of planning to build the jail. No concern was given to the NEPA issues raised, to issues of inmate and family impact, to economic impacts of moving the jail out of the county seat. Hundreds of issues raised by dozens of people were ignored. Council was not present, <em>no open public discussion</em>.</td>
</tr>
<tr>
<td>Insider group specially selected</td>
<td><strong>Scoping Hearing</strong>  Process controlled by Jail Industry Consultants</td>
</tr>
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<td></td>
<td>After several million $ paid to consultants, still <em>No Needs Assessment</em> delivered to the taxpayers prior to this last public meeting again hosted by jail industry consultants. Citizen concerns from Scoping Hearing were not included with the SDEIS. There was no feedback loop of accountability. At the end of their hearing it was announced that the ‘Needs Assessment’ was online. Taxpayers found it was an incomplete 6-page Jail Capacity Needs Document. <em>The document was then discarded on page FS-7 in the FEIS, yet the Executive claims it is there; pushes forward</em> with regional jail project planning.</td>
</tr>
<tr>
<td><strong>Sept 23, 2013 SDEIS</strong></td>
<td>Taxpayers discover in the FEIS that virtually all public concerns were dismissed “outside the scope” by corporate decree. This biased process arbitrarily bypassed accountability, discarded citizens. <em>The Council was told by the Executive Branch and the Jail Consultants to not hold public hearings</em> before buying the land. The Council bought the land at approximately $150k/acre; with an estimated end basis of $400k/acre before build out.</td>
</tr>
<tr>
<td>Process controlled by Jail Industry Consultants</td>
<td><strong>FEIS Delivered Nov 8 with 10-day fast track “Buy the Land” recommendation  Fast Track Jail Tax Failed</strong></td>
</tr>
<tr>
<td><strong>Fast Track Jail Tax Failed</strong></td>
<td>With <em>No Needs Assessment</em> for taxpayers to justify the tax, with no plan approved by the County Council, and with concerns not addressed for the citizens and cities, the tax was voted down.</td>
</tr>
</tbody>
</table>
Sheriff’s Insider Groups
Manage Power and Influence

In 2009, a policy making group of strategic insiders created a 501C3 foundation called the WCSO Support Foundation. The Foundation’s special public relations blog - www.whatcomcountysheriff.org- says the mission is:

“To fund Sheriff’s office project(s) not funded by the county budget.”

This group then expanded into a Sheriff’s Advisory Group, the Public Safety Now Group and more; all with the tacit and collaborative approval of the Prosecutor and the County Executive offices.

Documents show that policy makers, specifically the Whatcom County Council and other legislative bodies, have subsequently been isolated from the flow of critical information necessary for them to make fair, unbiased, and informed decisions. With the Council members’ composition changing with each election, it seems that a lot of the policy-making, public relations and strategic work is being done through this Sheriff’s Advisory Team. During the 2015 campaign this created an even stronger imbalance of power.

This leaves the taxpayers without any protection from the now embedded insider corporate control mechanisms. Without a strong, fully informed and empowered Council to protect the public’s interests, the taxpayers are vulnerable to physical, economic and civic bias by the legal authorities. These authorities have exceptional control of the corporation of Whatcom County. They work with outside jail industry consultants in multiple contracts and inside the system with jail industry volunteers who are not in full view of the public. In this specific case, facts will show that these interests have been present and influential in the entire planning process from the first determination by the Blue Ribbon Panel to build a 750 bed facility through to recommending the expanded regional jail industry projects and this campaign.

In the 2015 election year this imbalance of power, or systems dysbiosis, became obvious when the “insiders” campaign strategies to pass the .2% jail tax - Proposition 2015-1 – showed up in the negotiations strategies of the County Executive. You can watch the process on the County Council and City of Bellingham Council recordings. Watch the interlocal agreements negotiations, and specifically when the mailer was released – October 27, 2015. The mailer was a true red flag – a visual ‘symptom’ that brought the systemic imbalance of power into public eye.

Fact is: Data shows that violent crime rates have dropped. Department of Justice research and statistics show that incarceration has yielded a bad return on investment to the taxpayers. Yet, this insider group continued to procure funding to support the Sheriff’s initiatives – which included expansion of the jail industry and the “free venture” market. This is a violation of public trust. The investment returns for taxpayers on this tax is not transparent, and the sales tax campaign planning was conducted using taxpayers facilities and resources. The end result has been a waste of taxpayers’ dollars, people being harmed inside the Whatcom County Jail, and still no emergency plan to stop the abuse of citizens. This is all being done in direct opposition to public will and contrary to public safety.
Who Controls the Power to Enforce Law
Controls Political and Economic Pressures

WA State Jail Industries Board
Est. in 1993 by RCW
Chair: Marvin Wolff –1999-2007 Board Term
Influences Vendors/Expands Market Reach

The Three Top Executive Enforcement Officials in County

Bill Elfo, Sheriff
- Sheriff since 2003
- Blaine Police Chief since 1996

Brief: Controls jail operations, rules, stats & administration of office and supervises arrests and investigations, the public relations part of the game, etc.

Jack Louws, County Executive
- County Executive since 2011
- Mayor of Lynden since 2002

Brief: Chief Executive Officer (CEO) of the taxpayers corporation is in charge of all money, due process, contracts, tax collection and administration of the taxpayers business, etc.

David McEachran, Prosecutor
– County Prosecutor since 1974

Brief: With prosecutorial discretion, he controls the flow of prosecutions, plea bargains, and people through the Courts and is also the legal counsel for the County Council and for protecting the County corporation, police investigations, oversees ethics violations, lawsuits, etc.

Marvin Wolff (Strategic Advisor)
- Heads the Sheriff’s Advisory Group – Works directly with Sheriff, Homeland Security, Jail Chief, key staff
- County Vendor # 1458718
- WC Sheriff’s Office Support Foundation – Board
- Deputized/Conducts emergency trainings/fundraising
- Has two Whatcom County email addresses
- Provides strategic press, blog, data advice
- Writes tactical public pieces, testifies selectively
- Coordinates with Ray Baribeau
- 1996 Appointed to Blue Ribbon Panel by Pete Kremen

Ray Baribeau (Coordinates Advocacy)
- Sheriff’s Advisory Group – Collaborates with Marvin
- Co-chair Prison Ministries
- Jail Planning Task Force Member
- Works closely with Wendy Jones, Chief of Corrections and with other jail staff directly
- Public Safety Now member coordinating and managing fair booths, campaign messages, parades
- Organized/hosted jail tours for press and select groups
- Co-Chair Citizens for a Humane and Safe Jail Now PAC

Use Jail Volunteers/Insider’s Groups to Lobby for Jail Expansion

Addendum 1-2 Dates 04-17-2016 to Noble Cause Corruption Complaint #1122 filed 11-30-2015 by Joy Gilfen
Taxpayers Concerns Ignored:
These two ‘volunteers’ inside the Sheriff’s office are behind the scenes policymakers and influencers empowered by the Executive Branch to regulate the flow of information to the people. De facto lobbyists, these volunteers are not transparent, nor accountable to the public or to the PDC. They have a biased agenda and discredit the people.

Whatcom County Council is ‘Target’
They didn’t question the jail planners FEIS recommendations (although they also never approved them) and instead 10 days from the day the FEIS was delivered - without any public hearing or debate about any alternative economic options – bought the jail land.

They did not address the concerns of the public that the jail consultants dismissed. They simply took the advice of the corporate jail consultants, the Sheriff, the Prosecutor and the Executive. Then the Executive’s fast track tactics in bringing forward the jail tax rendered them functionally powerless. With changing members, they are co-dependent on the Executive Branch for information and protection.

Taxpayers are Polarized
When taxpayers have problems with due process or with the authorities, the complaint channels lead to the Prosecutor’s office. Even to bring a complaint to the Council, I found that functionally it had to go through the Prosecutor’s office. This means that taxpayers are trapped by prejudiced authority and isolated from having any voice. There is no known Accountability or Feedback Loop to protect taxpayers from the Prosecutor, the Sheriff, or from corporate or authoritarian bias. All they get is 3 minute sound bites at random times and no conversation. Unless they sue to be heard. What taxpayer wants to sue the Prosecutor’s office’s full set of attorney’s?

Citizens Trapped!
Imagine bringing a taxpayer claim against the prosecutor and his staff. History shows that even when taxpayers have won cases, officials get off with nothing but a hand slap...for they are protected by insurance, authority, press and their own law enforcers. It’s a NO WIN!
Addendum 1-2 Dates 04-17-2016 to Noble Cause Corruption Complaint #1122 filed 11-30-2015 by Joy Gilfilen

Problem Explained to Council as a Matter of Public Record:

Below is a copy of an E-Mail Letter sent to the Whatcom County Council that predates the creating of the Catch 22 2 page chart above. This letter was sparked when the author realized that the taxpayer/the public was caught in a Catch 22 with the Council and the Prosecutor’s Office controlled the proverbial “mouse trap”. This author hit a wall where the realization hit that it was impossible to challenge, complain or investigate the three top elected authorities who are responsible for enforcing the law in Whatcom County without having to go through them to get their permission. The Catch 22 was real.

“How can a person question the law about abuse if the law is the abuser?”

It was as a result of circumstances that happened just prior to writing that letter, that it became clear to the author that the taxpayers and the Whatcom County Council were both ‘shut out’ of the political process by controllers from the Executive’s office, the Sheriff’s Office, and the Prosecutor’s Office. Evidence showed that those professionals most skilled at catching and punishing criminals were also the ones most skilled at predatory civic tactics. By controlling the flow of official information between taxpayers and the Council, these three officials are ‘in charge’ of virtually all things related to the jail and tax game in Whatcom County.

This taxpayer realized that the “elected” people who enforce the law also control the application of law, and they control the due process. They are the gatekeepers of the flow of information back and forward across the legislative process – and to the other small cities, tribes and legislative bodies in the County. In the real world of commerce in Whatcom County, the checks and balances process guaranteed by Whatcom County Charter has effectively been supplanted, gutted and displaced by these gatekeepers. These gatekeepers are a bevy of staff and officials who, for decades, have functionally controlled the administration of the County’s corporate business. Technically this is the taxpayers business. In reality, in Whatcom County, the Council has become like a Board of Directors in name only – and they take the public battering from the citizens when things don’t go right, and the citizens are continually paying the bill, not understanding the scam.

The loss is this: When this corporate administration operates outside the law, any whistleblower or complainer is shut out so the staff is compromised. Unwittingly, the Whatcom County Council has in effect been subject to and “held hostage” by the Executive Branch. They are co-dependent and simultaneously vulnerable to the Prosecutor for all things legal (he is their protector/accuser), on the Executive for all things factual (he is their fiscal advisor/controller) and the Sheriff for safety (he handles punishment/arrests). Whether this is legal or not doesn’t seem to matter, when in operation (outside the law) these officials are in charge of it all. The Council is especially vulnerable if they will be blamed in case of catastrophe or violence breaks out inside the jail.

This explained why there are so many whistleblower and other lawsuits against the County, yet nothing changes. Eventually, the entire process ends up going through the prosecutor’s office…and the people lose.

Noble cause corruption is real, alive and working in Whatcom County. Taxpayers are vulnerable to the tax heist and to the tax scam being perpetrated upon them by jail industry insiders working with elected authorities.
Email Exposing the Catch 22: The letter below is a letter written to the Council by the author, informing them that investigative material was available and being sent to the Public Disclosure Commission and to other legal investigators in the State of Washington – and by default is now a matter of public record.

Date: March 8, 2016
To: Ken Mann, Council Members, Dana Brown-Davis
From: Joy Gilfilen, Restorative Community Coalition President

First, I want to thank you, Ken, for all that you have done by standing up for the citizens this past year regarding the jail issues. You have stood up against tough opposition. Thank you for having the courage to ask questions. Thank you for challenging the Executive and his staff to give the Council critical information so that you could pass informed policy. You are an extraordinary leader for the people.

Council, thank you for your leadership as you stood forward to establish the Incarceration Prevention and Reduction Task Force. This allowed the broader community to begin asking the uncomfortable, hard, tough questions that FBI Director James Comey said needed to be asked in our communities regarding patterns of mass incarceration, racial and police bias, to address the issues of how we can locally turn the County's business around in this area.

I also support the original initiative that Ken Mann, Barry Buchanan and Carl Weimer proposed to bring all the official bodies together in the County to develop principles and address the bigger issues of criminal justice and behavioral health. I believe that it is exactly through this kind of open and fresh collaboration that we will find universal solutions that work for the people.
Second,
I wish to address the allegations you make directly, Ken, and to address the idea that I did not deliver results. I have a different point of view:

1. It was my observation this past year, as I watched the process play out in the Council Chambers, that many of the Whatcom County Executive branch elected and employed officials were not transparent and giving the Council adequate facts to support good policy.

   Instead, they were contrarian in their actions. While I knew they had the information you needed, rather than being forthcoming, it appeared that they were deliberately and actively manipulating, obstructing and obscuring information that misled this Council to take certain actions.

   I witnessed them doing the same thing to the City of Bellingham and other policy makers. Then I saw it happening with the taxpayers as these authorities worked their “fast tracking” of the sales tax to the market. What I witnessed was abuse of power. What I did not know was why, exactly who benefited by it, and how it could be proven.

2. As a result, I found myself standing up to run for Whatcom County Executive to stop what I saw were breaches in fiscal and fiduciary responsibility by elected officials. I had reason to believe they were scaring the Council, the taxpayers and the public into submission, not properly informing them of logical and more reasonable choices. I felt that this jail plan and jail tax issue had to be confronted straight on and exposed to the business people of Whatcom County. Taxpayers deserve transparency if they are going to be put in debt for ever – to build a huge alligator of a facility that would promote more mass incarceration.

3. Interestingly, two Council members called me immediately after I signed up to run for office. It was not to support me, the democratic process, nor to help the Coalition get their voices heard. It was not to help these Council Members understand why the tax or the jail plan was a bad policy. Both instead called to ask me to remove my name from the ballot. One met with me, and called me several times to convince me how it was a bad idea, and why I should do other things instead. The other had earlier attempted to convince us to embrace the jail plan. It did not work.

4. What I discovered during that 2015 political campaign was how political pressure in the form of shunning, polarizing, bullying, isolating, shaming, and marginalizing is done quite professionally in Whatcom County, and how it is hidden behind an illusion of civility.

5. I also discovered how completely this tax would have given excessive and virtually unlimited power to the Executive Branch (and to law enforcement) to control the Council. This would have hobbled and gutted taxpayers, handing over control of this County to the criminal justice and jail industry interests. My research continued.

6. What it showed me after a fair bit of time, is that when these shadow businesses control the law they (by default) ‘own’ the processes, the people, the resources, the economy and essentially the County.

   Along the way, I realized that the Taxpayers needed not just awareness of the problem, but they needed a whole new view about how restorative economics could empower people. They needed a way to intercept the systemic abuse cycle being run by the jail industry interests. They needed to have a whole new way to understand how implementing alternative and cooperative business models could help us reclaim our community equilibrium.
7. So I stopped my campaign, and our Coalition pulled together so that Irene and I could co-author the “Stop Punishing Taxpayers, Start Rebuilding Community” taxpayers report. If you have not read it, it is filled with citations and information that supports the IPR Task Force and the Council. It is information that can help us all change course to be supportive of a healthy democracy, a rich and vital citizenry and a diversified, vibrant economy.

Third, The reason I called you last week, Ken, was that we have sensitive information to deliver to the Council, that we did not wish to have arbitrarily dismissed and filtered out by the Executive branch, the Sheriff and the Prosecutors office. We have tried numerous ways to get information to the Council, and at every turn it seems to have been obstructed one way or another.

I would like to invite you to consider, that I am simply a taxpayer, as are all the other members of our Coalition, and we are standing up for the taxpayers. I ask you, “What average taxpayer wants to ask for investigations? Who wants to bring forward lawsuits to fight the law and the enforcers of the law that control the power in any community?”

Frankly, taxpayers are typically dis-empowered. We are the silent majority that you say you want to get active in politics. Yet, when we did not embrace the jail plan, and called the authorities themselves into question...we realized that we are effectively outgunned by the authority figures that control the outcomes of those lawsuits. Think about that. The entire Executive Branch funding comes from taxpayer’s dollars. They control everything, even what you guys can listen to. They are covered by insurance and have institutional support for all that they do. They have nothing to lose in a legal battle. In short, they can operate above the law.

The information that we have to share with you has been gathered from many sources. We believe that it deserves cross examination by your Council members. It may be useful to help this community navigate successfully through this transformation to a new way of doing public safety. You do have the power to investigate the Executive Branch. You have the constitutional responsibility to protect the taxpayers from abuse of power – to maintain balance between the different branches of our Charter government.

In Whatcom County, our Charter calls for a balanced system of government, but in fact it is not being operated in a balanced fashion. We have discovered that the officials rigidly control and contain the information that the Council receives. That in and of itself creates an automatic imbalance and vulnerability.

What other way can we get information to you in a fair and transparent or open manner that is not contentious? Perhaps a Restorative Justice Circle? As long as taxpayers are not allowed by the controlled administrative process to give you whole and complete information, we are all hamstrung. We are subject to the biases and prejudices of the administration in power, and in this case, our administration has been controlling information for decades.

Fourth, The documents we have to share with you are directly related to the claims I wrote up in the Noble Cause Corruption letter I sent to the Public Disclosure Commission. I sent it to all the other state officials when I asked for an investigation. It is all a matter of public record.

When you asked me for clarification, I did not have a simple answer for you. In short, the documents answer some of the following questions:
1) How, why is the Council being controlled, manipulated and from our perspective, gamed?

Our documents show that it started as early as the 90’s when representatives of the Washington State Jail Industry first started to push an agenda of “jail industry expansion” and “free venture” business interests in Whatcom County at the expense of taxpayers. These are their phrases, not mine. The documents we have shows a pattern of who, when and why - showing a paper trail. Certain vendors are embedded inside our County politics using county email addresses and authority that has not been approved by this Council so far as I can tell.

2) Why are non-profits, political parties, small business people, common citizens being used against each other and emotionally manipulated to stand down from debates, and being encouraged to pass taxes that are not justified?

This continual badgering of the people is slowly eroding the strength of the local small businesses and organizations. The documents will show you the trends, patterns and certain key actions that accompanied the Executive Branch’s drives to pass the sales taxes of 1999, 2004 and 2008 – and the taxes of 2015. This is in face of contrary evidence that crime rates have been dropping consistently in Whatcom County and across the nation, and even as our emergency services providers had to pass additional taxes this past year just to handle critical needs.

3) Why is the jail mailer not just an innocent mailer, but is instead a symptom of systemic failure, and how does it demonstrate the imbalance between the branches of government?

The documents show how the original imbalance of power between the branches, has led to what we believe is a systems failure, and ultimately to an abuse of power by the Executive branch. It is not about whether people intended to do this, but the pattern is there.

It is notable to me that three entirely different organizations – through 16 individual taxpayers - filed complaints with the PDC about that mailer, raising different perspectives. These organizations include the League of Women Voters, the Bellingham Racial Justice Coalition and the Restorative Community Coalition.

This is a lot of taxpayer protest, considering the size, scale and substance of their complaints. I recommend that if you have not done so, that you take the time to read them all, and read the response by your Prosecutor’s office. And the followup information that caused a fresh investigation. Go back and refresh your memory and listen to the testimony given to this Council, and read the DLR minutes and look at the campaign strategies used to compel the voters to pass the tax. There are problems here that need to be examined.

Fifth,

Ken, I do not agree that I/we have had extraordinary access to Council Members. This implies some special privilege, when our experience is the opposite: the access we have had is contentious, has been challenging, and fractured.

Extraordinary access seems to be what other friendly non-profits, consultants and organizations seem to have with this Council. They often have opportunities to present their proposals and information to the committee meeting of the whole in a transparent and public fashion.

By contrast, in several years of striving to present our restorative justice and economic ‘alternatives to building the jail’ to the Council, we have been dismissed by the pre-conceived notion that our prevention based
“alternatives to building a jail” = “jail alternatives used afterwards inside the jail after it is built”. These are not equal concepts, and are dramatically different things.

What we received after years of asking, is one 20 minute timeslot before the Public Works and Safety committee (invited by Barbara Brenner). At that time we were facing the fast-tracking of the sales tax, and found ourselves dealing with urgent matters - exposing the challenges in the streets of getting mental health, prevention and intervention services.

Our Coalition has had to fight through resistance and use every method at our disposal to get alternative viewpoints heard. Here is the history of the key issues we had to address and the exchanges with the Council since 2010. This is just since the new proposal to build a 2400 bed regional jail project was initiated.

**Challenge # 1:**
**To expose a biased $3 Million dollar planning process.**

Documents will show how this process was controlled by jail industry consultants and the Executive branch from the beginning, and this process was not based on solid business fundamentals.

We had to fully discover the problem and expose the plan as we taxpayers had to work all the way through the legally authorized due process.

1. We submitted comments, attended and testified before Jail Task Force meetings, the Scoping hearing, the SDEIS hearing.
2. We were uninvited from the Right Sized Jail meeting.
3. We were refused a seat on the Jail Task Force.
4. Our Coalition was cautioned to ‘stand down’ by two non-profit representatives for several reasons.
5. We were told by two other non-profits that they had been similarly cautioned in a meeting, and they were therefore afraid to stand up against the jail, and were afraid of associating with us for fear they would lose their funding.
6. We instead continued to stand up, and we objected to the presentation of the FEIS document when it was delivered to the Council.
7. We stood up and testified against the purchase of the land in Ferndale, calling for public hearings, review, etc. We were ignored.
8. At one point, we were even asked to leave a meeting we had been invited to by Barbara Brenner, when the Mayor of Lynden - after consultation with the County Executive and the Sheriff - chose to turn the meeting into an Executive Session.

Under review of the facts and the documents, it can be shown how the jail industry interests pre-dominated the process. If you read the taxpayers concerns (ours and others) expressed in the FEIS, you will discover that they were not addressed in the planning process. Instead they were substantially said to be “outside the scope” of planning to build the jail.

This Council, when confronted with a completed $100 Million dollar final plan – even though none of you had been present during the public meetings conducted by the jail industry consultants – were then told by the jail industry consultants and the County Executive that they did not need to have any public hearings. They were instead advised to immediately buy the land in 10 days – or the price would double. This was all done in the middle of multiple millions of dollars in land swaps and movements of road funds. Yet the sitting Council at that time had not even had time to read the FEIS. They had not had time to receive or read the summaries of the real estate transactions. They had not held any public hearings in the three prior years. What was the rush?
Challenge 2:
To stop the passage of the sales tax politically, we had to change tactics:

1. We testified publicly to educate the Council and the taxpayers about the reality and impacts of mass incarceration.
2. We stood up to oppose the unjustified tax.
3. We held panel discussions, sponsored conferences, hosted meetings.
4. In prior years, we had met with a few of you in random meetings to raise issues and awareness of the failures of in transparency and due process.
5. All of our concerns felt like they were landing on deaf ears.
6. We felt forced to send constant emails exposing the issues, expanding awareness.
7. We showed up and testified repeatedly in 3-minute sound bites against passing the plan, against buying the land, against the methods used to pass the tax.
8. We wrote letters showing how the Needs Assessment was not valid.
9. We wrote a 9 point alternative proposal.
10. We wrote letters and testified against the fast-tracking and the manipulation of the Councils, and eventually against the tax itself.

Challenge #3:
Since the jail plan was still moving forward, and no one was holding public hearings, or listening to taxpayer concerns, we eventually started calling for law and justice reviews, tax and fiscal accounting reviews, investigations.

Until we started unearthing certain documents, things had not been adding up for the taxpayers. Now they do.

Why was it that this Council would not stop to listen to the taxpayers who represented the inmates, the families of inmates, the silent silo of citizens who are negatively impacted by that jail plan? This Council has been unwilling to listen to a Coalition of people who in fact do have logical and reasonable alternatives to building that big jail. Why not? What is wrong with the process, with the system when this Council would not take one hour to listen to the people in a full and transparent fashion?

That is not extraordinary access. That is not fair and open public process. And, we know we must do this anyway...for we know it is difficult to address the legacy of over-criminalization, over-incarceration, and excessive taxation when there is no platform for giving solutions.

Lastly,
Ken, I am sorry I hung up on you from a very human level, and I publicly apologize right here and right now. Please forgive me, and please understand that this was not about you. It was about me feeling scared for the people. Frankly, it took great courage to call you. When I offered new information, new research and documents and you responded that you did not believe me, and followed that up with “even if I saw the documents, I would not believe them.” I felt gutted and shut down one more time. It was hard to speak.

In closing,
Council, we have documents that have been gleaned from many different sources about how this jail business in Whatcom County has been conducted. They are documents that it is likely that most of you have never seen, and they contain information many of you probably don’t know.

If any of you want to discuss this further, we are available, and the documents are available. We request a way to deliver it that works wherein we can show it to all of you at once ideally – so you can cross-examine the material freely and are able to ask us questions together and think together. Let us know how this can work.
We have great hope for our future and we believe that ‘truth will out’. We believe that by working together, the people of Whatcom County can implement change at an extraordinary level when we choose. Our Coalition is a non-profit 501C3 composed of all volunteers. We have been standing up for the silent silo of citizens who are opposed to mass incarceration and instead wish to implement the replacement economy – the restorative economy.

To that end, we are attaching our newest flyer inviting you to attend the March 19, 2016 Do-Overs – Restorative Solutions Conference: Changing the Game in Incarceration which will be moderated by a world-class professional facilitator. We would love to have you come.

The Letter of investigation, (shown below) has already been submitted to the PDC as evidence in this case. It is included here as a cross reference to show the response that this Coalition had received through the Executive’s Office when the Coalition was asking for an Ethics Investigation. The letter of refusal follows on the next page, showing that the legal trap is for real. There was not one phone call or question from the Ethics commission asking how to support a taxpayers’ organization that is concerned about ethics issues and wants to confront the problems for County taxpayers. This Commission simply dismissed it since it did not fit into certain legal rules.

The concerns were denied outright. Unless the taxpayer is an attorney, there is no consideration or curiosity to find out the problem, or to discuss ethical issues…it gets recycled back into legal battles.

There is no email, no address, no response or phone number given or referral about who would be contacted next. In effect it is a drop dead letter.
BEFORE THE WHATCOM COUNTY
ETHICS COMMISSION

IN RE: Ethics Complaint
"REQUEST FOR INVESTIGATION"
Email dated 10/27/2015
Ethics Commission

No. 2015-02

DEcision and ORDER

On October 27, 2015, a Complaint was filed via email with the Whatcom County Ethics Commission Clerk by The Restorative Community Coalition. The Code of Ethics for Elected Officials is contained in Whatcom County Code Chapter 2.104 (Code of Ethics).

Section 2.104.110(B) of the Code of Ethics requires the Chair of the Commission to review complaints for conformance with complaint procedures, as provided in subsection 2.104.110(A), and notify the complainant if the Complaint is deficient. The Chairperson in consultation with all other commission members, has completed the review, and has determined the Complaint is deficient in that the Complaint does not meet some required provisions of Section 2.104.110 (A) and (B) AND 2.104.120. The Chair and Commission makes the following Findings:

1. The Complaint does not conform to the procedural requirements of WCC 2.104.110 as follows:
   a. It is not drafted by a "natural person" as required. Instead it is submitted by an organization.
   b. It is not signed under oath by a complainant.
   c. It does not name a specific elected official alleged to have engaged in unethical behavior.
   d. It does not refer to a specific provision of the code of ethics alleged to have been violated.

2. The Complaint is submitted as a "Request for Investigation." This Ethics Commission is not an investigating body. The Commission is empowered only to receive, review, and rule on ethics complaints. It is not empowered to conduct investigations.
3. The Complaint does not, on its face, state facts which, if proven to be true, constitute a violation of the code of ethics.

The issues raised are primarily political ones that may be presented to voters for their consideration. To some extent, the issues may be legal (in that the Complaint alleges violations of RCW 42.17A.555 and WAC 390-05-273). Legal issues are for courts to rule on, and the Commission is not empowered to rule on matters of law such as this.

4. There are special guidelines that apply when a complaint is filed close to an election date. See WCC 2.104.120. The Complaint here does not provide specific dates that the allegations took place, and therefore does not meet the code limitation that “only those complaints may be filed which allege a violation of the code of ethics which occurred not more than one week prior to the date of filing the Complaint.” WCC 2.104.120(A).

THEREFORE, THE COMMISSION HEREBY FINDS that the above Complaint is deficient for failure to comply with the provisions of Section 2.104.110(A), and subsections (2) and (3).

THE COMMISSION FURTHER HEREBY FINDS that the above Complaint is deficient pursuant to WCC 2.104.110 (B) (2), (3) and (4) and WCC 2.104.120, and as described above herein.

BASED ON THE ABOVE FOREGOING, IT IS HEREBY ORDERED THE COMPLAINT IS DISMISSED.

The complainant may appeal the findings of deficiency or dismissal of this Complaint under subsection 2.104.110(B), or as otherwise provided for under WCC 2.104.

DATED this 30th day of October, 2015.

[Signature]

Adrian Madrone, Chair
SUMMARY OF THE YELLOW FLAGGED “AUTHORITIES” SECTION

The above charts and pages provide insights into the systemic failures of the Whatcom County government as it has been operating. This author is a deeply concerned taxpayer whose family lives in this nation, in this state and in this County and is inheriting the legacy of us elders. Everyone’s children are at risk to being the victim, the bully, or the enabler in the incarceration economy. In more, and ever deeper analysis, it is clear that eventually all players become consumed by this self-destructive economic spiral. It is a lose/lose/lose game in the end, for no on ultimately wins – unless it is the 1% top prison and war companies.

Inside the system, everyone loses: the inmates inside the jail lose on all fronts...for they also pay sales tax. The hired government staff and employees of the jail industry who work inside the jail system make short term salaries and benefits that are paid by taxes and they too end up in effect inside the jail controlled by rules. The underwriters – the taxpayers whose dollars are consumed in salaries and corporate contracts, are also the ones who end up with themselves or family members as inmates. Eventually the taxpayers at the base run out of money to fund the basics.

When those inside the system are completely unwilling to examine the problem to look for errors that could be corrected, the government has become consumed by the corporate predators and freedom on all fronts is lost. It is for the above reasons, that this author has taken extraordinary amounts of volunteer time to produce this documentation for the investigators.

It is not ok that hardworking taxpayers have had to go through all this extraordinary political, business and economic work to protect ourselves from those who we trust and hire to protect us. To protect ourselves, our economy and our children from those we hire to conduct our County’s business affairs. We give them control of our tax money, our guns, our courts, our honor. And then we are vulnerable to their power. We should never have to defend ourselves from the predatory tactics of officials who are not accountable to the people.

Someone has to say NO and stand up to systemic violence against the taxpayers. Will investigators outside the County protect the taxpayers of this County? We will find out.

The Red Flagged Section is next. It is information that provides specific evidence about how jail industry insiders used facilities, funds and privilege given to them, to strategically operate and control the 2015 Campaign for their advantage.
Part 2:
Jail Industry Insider Tactics

Identifying the Sheriff’s Hidden Insider Groups & Campaign Actions
Privileged Insider: Marvin Wolff

From Blue Ribbon Panel 1996 to
Washington State Jail Industries, 2000-2007 Chair

Background: Marvin Wolff was a Merchant Marine, and moved from San Diego where he was involved in the California tourism industry as the Executive Director of the Queen Mary Project. In 1982 Wolff was appointed as the Executive Director of the Bellingham-Whatcom County Visitor and Convention Bureau, and got involved statewide as the tourism industry was expanding in expectation of Expo 86. From the Bureau, Wolff moved into positions where he represented the Whatcom Historical Society, the Maritime Heritage Museum, and the Sparks Museum.

Statewide Jail Industries Board Influence

The Washington State Jail Industries Board (JIB) was established by RCW 36.110 in 1993. Marvin Wolff was appointed to the Board of Directors in 1999, and served as Chair from 2000-2007.

Key part of the JIB mission (from minutes): to provide statewide leadership and technical assistance “to establish, develop, and maintain jail industries through partnerships with labor, business, victim’s, community and government...”

Something to notice is that as funding became more available to expand jail industry markets and prisons (they call it “free venture” and “jail industry expansion”) the funding for the tourism industry and education industries have reversed and have been declining. This change in focus of state funds has been shown to be economically costly to taxpayers, and contrary to sustainable free-enterprise and a healthy local, community driven economy. Key observations:

- Wolff is appointed to the Washington State Jail Industries Board in 1999 by Governor Gary Locke.
- In Jail Industry Board minutes, we discover how the Whatcom County Sheriff’s office was connected to the Jail Industries Board early on with various Deputies reporting to the JIB.
- Wolff is embedded directly inside the Sheriff’s office as a “volunteer.”
- Wolff writes the ‘pro statement’ for the 2004 jail tax.
- Documents show that Wolff is a Whatcom County vendor by 2004.
- Wolff wrote a strategic, scathing letter to the editor in 2015 that raised questions about the ethics of Councilmen, and he testified at critical political junctures.
- Wolff, a Merchant Marine, seems to have expertise in CERT (Certified Emergency Management Training), in interoperability and homeland security issues, and does trainings under the umbrella of the WCSO Support Foundation.
- One document attached is a post that was exposed as part of the Wiki-leaks intelligence scandal (which has national implications).
Blue Ribbon Panel: Suddenly in 1996 Marvin Wolff makes an unprecedented lateral movement into the jail industry to become an insider. He is appointed by County Executive Pete Kremen in 1996 to the Criminal Justice Blue Ribbon Panel, as per the 1997 Council minutes. Notice that in the Public Safety Now Timeline published in 2012 they call it the Blue Ribbon Panel on Criminal Justice and Public Safety. Notice that there is a sudden increase in the demand for jail space, as the Panel recommends a “barebones” 250% increase in the size of the jail together with the first sales tax increase.

<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>1997 MAR 20</td>
<td>Blue Ribbon Panel on Criminal Justice and Public Safety Needs submits its recommendations to Executive Kremen that include the following for the Sheriff’s Office Corrections Bureau:</td>
</tr>
<tr>
<td></td>
<td>• Construct and operate a bare bones 750 bed minimum security facility</td>
</tr>
<tr>
<td></td>
<td>• Add one Lieutenant and five Corrections Officers to the County Jail Staff</td>
</tr>
<tr>
<td></td>
<td>• Combine the operations of Adult Probation, Juvenile Probation, Juvenile Detention, Attorney Assignment, and the County Jail into the Corrections Division of the Sheriff’s Department</td>
</tr>
<tr>
<td></td>
<td>• <strong>Recommended that the County Council pass the 0.1% sales tax for Criminal Justice.</strong></td>
</tr>
</tbody>
</table>

WHATCOM COUNTY COUNCIL
Regular Council Meeting

May 6, 1997

The meeting was called to order at 7 p.m. by Council Chair Ward Nelson in the Council Chambers, 311 Grand Avenue.

Also Present:
Marlene Dawson
Barbara Bremer
Tom Brown
Alvin Starkenburg
Kathy Sutter
Robert Imhof

Deception: The size of the jail was pre-determined in 1997 by private selection then demanded by facilities. It is not the result of a valid needs analysis as claimed by the Executive Branch in 2015.

SPECIAL PRESENTATION

1. SPECIAL PRESENTATION BY WHATCOM COUNTY EXECUTIVE PETE KREMEÑ REGARDING THE CRIMINAL JUSTICE BLUE RIBBON PANEL (AB97-017)

County Executive Pete Kremen introduced the panel who were present: Art Anderson, chair; James Wilson; Ron Polinder; Marvin Wolff; Dick Beardsley; and Egbert Maas. Other members were: Cheryl Hershey; Pastor Len Ericksen; Debbie Anderson; Fielding Formway; Kathy Harvey; Gordon Dolman; and Ken Roberts.
Wolff is a Whatcom County Vendor
Chair of Jail Industries Board 2000-2007

LEADERSHIP CHANGES AT THE JAIL INDUSTRIES BOARD

Mission of the Jail Industries Board

Provide statewide leadership and technical assistance to establish, develop and maintain jail industries through partnerships with labor, business, victims, community, and government which promote:

- Victim compensation and restitution
- Reduced cost of incarceration
- Reduced victimization and recidivism
- Meaningful work experience and work ethics
- Public service through offender labor

Marvin Wolff, Business Representative, Whatcom Historical Society
Howard Yarbrough, Administrator, Correctional Industries
MINUTES
WASHINGTON STATE JAIL INDUSTRIES BOARD MEETING
October 25, 2002

Criminal Justice Training Center
19010 1st Avenue South
Burien, Washington

ROOM E-154

Members Present: Mary Boehnke, Jeralta Costa, Ed Crawford, Ramona Dahl (acting), Kenneth Kunes, Debra Latimer, Andre Loh, Randy Loomans, Runette Mitchell-Marshall, Bruce Thompson, Julie Wilson, Marvin Wolff, Howard Yarborough, Dennis Graham (staff), Krisztina Kovacs (staff), Jill Will (staff).

Proxies Presented: None.


Guests Present: Mark Holst, Whatcom County Sheriff’s Office Programs Sergeant; Jeff West, Chelan County Regional Justice Center Corporal.

Note: Whatcom County Sheriff’s Deputies begin showing up at the Jail Industry Board Meetings. These Deputies are now connected to Marvin through the Sheriff’s Advisory Board.

MINUTES
WASHINGTON STATE JAIL INDUSTRIES BOARD
January 28, 2005

Criminal Justice Training Center
19010 1st Avenue South
Burien, Washington

Members Present: Jim Berrios, Ed Crawford, Kenneth Kunes, Debra Latimer, Andre Loh, Randy Loomans, Helen McGovern, Runette Mitchell, Marvin Wolff, Chandra Wrzesinski, Jill Will (staff)

Proxies Presented: Dan Plotner for Garry Lucas, Joe Koval for Howard Yarborough

Members Absent: David Dillman, David Johnson, Jane Johnson, Sean Morrow, Jim Powers

Guest: Cary James, Undersheriff, Whatcom County
Notice:
Whatcom County Sheriff’s deputies are directly linked to Marvin Wolff and the Jail Industries Board doing jail industries expansion and planning for over a decade.
October-November 2004

County Ballot Measure.

**Proposition 1.**

**Whatcom County Special Election — Proposition No. 1**

Submitted by Whatcom County Council

Jail Facilities Sale and Use Tax

The Whatcom County Council passed Resolution No. 2004-050 concerning a proposition to authorize a sales and use tax for jail and juvenile detention facilities. This ballot proposition would authorize the imposition of a sales and use tax, in addition to any other taxes authorized by law, of one tenth of one percent (0.1%—10 cents for every $100) to be used solely for costs associated with financing, design, acquisition, construction, equipping, operating, maintaining, remodeling, repairing, reequipping, and improvement of jail facilities that house inmates being held, charged, or convicted of misdemeanor and felony acts, as authorized by RCW 82.14.350. Should this proposition be:

Statement For:

A car is weaving from side to side as it careens along the street in a school zone. A young school child in the crosswalk is frozen in place as she looks up in horror as the vehicle bears down on her. A moment later a young innocent life has been snuffed out by a man who is driving while intoxicated. Just one hour before he was stopped by a police officer for driving under the influence. The officer cited him, took away his car keys, and had to let him go because there was no room in the county jail. This could be a real incident and could happen to your family.

Drivers like this drunk driver can never be stopped and the community protected unless they are taken off the streets and put behind bars. In order for it to be effective, punishment should be swift and sure.

A young man on Railroad Avenue snatches a lady’s purse and knocks her over as he flees. A few blocks away alerted police officers apprehend him. He smiles as he is given a citation and then released. He smiles as he walks away because he knows that he will not be arrested because there is no room in the county jail. He also knows that
he will never go to court to answer the citation unless he is arrested and booked into the jail. The next unsuspecting victim may suffer worse harm. Real incidents like this happen in the cities and rural areas of out county every day.

The Whatcom County jail, originally designed for 110 inmates now regularly holds over 250 offenders. This endangers both the inmates and the corrections officers who are there to maintain security and order.

Increasing numbers of criminals are moving into Whatcom County because the word has spread about the jail “booking restrictions” and they know they won’t go to jail. Each time someone is booked into the jail someone else has to be given “early” release to make room for the new offender. Offenders who should be confined and punished by the orders of the court are walking around in our community because there is not room in the county jail. When someone commits a crime and is not punished that person is emboldened to commit increasingly severe crimes.

The Whatcom County Council has wisely placed a measure on the November ballot, County Proposition No. 1, that would increase the sales tax by one tenth of 1 percent, just 10 cents on a $100 purchase. If a person made $20,000 of purchases a year that would amount to $20. That’s a small price to pay for making Whatcom County a safer place in which to live.

It is important to remember that the money generated by the one tenth of one percent sales tax can by state law only be used for the construction and operation of a jail. It cannot be diverted to the general fund or for any other purpose. In addition, those people who do not live in the county but shop here pay one fourth of the sales taxes.

County Proposition No. 1 is being supported by the business community, judges, law enforcement and citizens who want a safer community in which to work and raise their families. The only people I can envision who would oppose this proposition are members of the criminal community.

Please vote yes on County Proposition No. 1.

Statement prepared by
Marvin Wolff, People for a Safer Community
MINUTES

WASHINGTON STATE JAIL INDUSTRIES BOARD
May 26, 2006

Criminal Justice Training Center
19010 1st Avenue South
Burien, Washington

Members Present: Dean Mason (staff), Christina Cruz (staff), James Huffman, David Johnson, Andre Loh, Runette Mitchell, Sean Morrow, Marvin Wolff and Chandra Wrzesinski.

3.3 Best Practice Reports – Dean informed the Board on his site visits for information gathering: On April 19, 2006 he visited and toured the Whatcom County Jail. He toured the facility and the new jail industries expansion facility. Contacts were Sheriff Bill Elfo, Undersheriff Carey James, Chief of Corrections Wendy Jones, and a number of other county staff. Facilitated by JIB Chair Marvin Wolff, Dean added that he visited the Thurston County Jail on May 10, 2006. He toured the facility and was given an overview of plans for the new jail expansion that could include expanded or new industries opportunities. Contacts were Karen Daniels, Chief of Corrections, and Lieutenant George Eaton. On May 15, 2006 Dean visited the Lewis County Jail. He toured the Work Ethic and Restitution Center incarcerated offenders. Contacts were Chandra Wrzesinski, Jail Administrator and Administrative Sergeant Kevin Hanson.

- Dean had a scheduled visit to the Spokane County Corrections (Geiger) on May 22, 2006. Dean mentioned due to lack of communication the visit did not take place and advised he is going to reschedule the visit.
FOR IMMEDIATE RELEASE

April 27, 2006 JIB-06-001

Dean Mason, Executive Director, 360-486-2432
WASHINGTON STATE JAIL INDUSTRIES BOARD
3060 Willamette Dr. NE, Suite 100
Lacey, WA 98516

Jail Industries Board Chair, Marvin Wolff, wrote to Governor Gregoire that, “Mr. Mason will continue the Board’s programs that assist the local communities with Jail Industries. Due to your continuing support, [a number of] municipalities, counties, and not for profit organizations were able to utilize offender labor valued at more than twenty-four million dollars last year.”

RCW 36.110 establishes the Jail Industries Board. The Executive Director is a member of the Governor’s small agency cabinet.

Mission of the Jail Industries Board
Provide statewide leadership and technical assistance to establish, develop, and maintain jail industries through partnerships with labor, business, victims, community, and government that promote:

2004 Offender Work Report

Whatcom County Jail

Average Daily Population: 298

<table>
<thead>
<tr>
<th>LABOR HOURS</th>
<th>Work In Jails</th>
<th>Work for Government</th>
<th>Work for Not-for-Profit Organizations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Average Workers</td>
<td>Total Hours</td>
<td>Average Workers</td>
</tr>
<tr>
<td>Inmate Labor</td>
<td>29</td>
<td>106,334</td>
<td>29</td>
</tr>
<tr>
<td>Community Service Labor</td>
<td>29</td>
<td>106,334</td>
<td>29</td>
</tr>
<tr>
<td>Subtotal</td>
<td>29</td>
<td>106,334</td>
<td>29</td>
</tr>
</tbody>
</table>

Value of Hours @ $7.16 per hour

<table>
<thead>
<tr>
<th></th>
<th>Offsetting Costs of Incarceration</th>
<th>Reducing Tax Burden</th>
<th>Contributing to Community</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Hours</td>
<td>$775,671</td>
<td>$84,202</td>
<td>$0</td>
</tr>
</tbody>
</table>

Total Hours: 120,094

Total Value: $859,873

Work Detail

(N=Inmate; CS=Offender Sentenced to Community Service)

<table>
<thead>
<tr>
<th>Category</th>
<th>By Work</th>
<th>Customer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Government</td>
<td>Maintenance/Setup—Fairgrounds</td>
<td>Northwest WA Fair</td>
</tr>
<tr>
<td></td>
<td>Maintenance/Setup—Playing Field</td>
<td>Boys and Girls Club</td>
</tr>
<tr>
<td></td>
<td>Building Refurbishment</td>
<td>Whatcom Co Facilities</td>
</tr>
<tr>
<td></td>
<td>General Labor</td>
<td>Whatcom Co</td>
</tr>
<tr>
<td></td>
<td>Landscaping</td>
<td>Whatcom Co Facilities</td>
</tr>
<tr>
<td></td>
<td>Maintenance—Building</td>
<td>Whatcom Co Facilities</td>
</tr>
<tr>
<td></td>
<td>Maintenance—Courthouse</td>
<td>Whatcom Co Facilities</td>
</tr>
</tbody>
</table>
Hidden Economic Engines Need Further Auditing & Investigation:

On the surface, the idea looks logical: to cut costs by using inmates, to train people with skills. However, this is a contrarian industry. People coming out do not feel trained or better prepared to get jobs, and the formal reentry trainings are weak. Meanwhile, inside the economic world taxpayers funds fuel the capital and operating costs. And the expanding jail industries are middlemen profiting off the churn of people through the system. This does not mean that justice is served. It does not mean that taxpayers are getting a good return on investment when all factors are considered. It does not mean that there is a drop in crime rate, or that the public’s needs are being met. In fact, it is the opposite. Statistics show that incarceration leads to more poverty, and jails lead to more trauma, which leads to more addiction and into a self-destructive cycle of more violence.

When the Taxpayers voted to tax themselves to buy a new jail in 2004 based on the commitments made…the real question is: Why has the money been used to expand jail industries and arrest more people…and NOT to build the new jail as promised?
Question: Who really is Marvin Wolff? Why is he privileged? Why is he doing work like this and imbedded in our government – yet relatively unknown and not accountable to the Council or the taxpayers?
# Washington Statewide Communications Interoperability Plan

Prepared by:
Washington State Interoperability Executive Committee (SIEC)
1110 Jefferson Street SE
PO Box 42445
Olympia, WA 98504-2445

April 4, 2008

## Statewide Communications Interoperability Plan
### Work Shop Attendees, August 22, 2007

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
<th>Agency/ Business</th>
<th>Phone Number</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bob Wentworth</td>
<td>Communications Systems Manager</td>
<td>City of Spokane</td>
<td>509-625-7703</td>
<td><a href="mailto:bwentworth@spokanecity.org">bwentworth@spokanecity.org</a></td>
</tr>
<tr>
<td>Jon (Wiz) Wiswell</td>
<td>Manager Radio Communications</td>
<td>City of Seattle</td>
<td>206-380-1215</td>
<td><a href="mailto:jon.wiswell@seattle.gov">jon.wiswell@seattle.gov</a></td>
</tr>
<tr>
<td>Marvin Wolff</td>
<td>Deputy Sheriff</td>
<td>Whatcom County Sheriff’s Office</td>
<td>360-676-6650</td>
<td><a href="mailto:mwolff@co.whatcom.wa.us">mwolff@co.whatcom.wa.us</a></td>
</tr>
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On Monday February 27th, 2012, WikiLeaks began publishing The Global Intelligence Files, over five million e-mails from the Texas headquartered "global intelligence" company Stratfor. The e-mails date between July 2004 and late December 2011. They reveal the inner workings of a company that fronts as an intelligence publisher, but provides confidential intelligence services to large corporations, such as Bhopal's Dow Chemical Co., Lockheed Martin, Northrop Grumman, Raytheon and government agencies, including the US Department of Homeland Security, the US Marines and the US Defence Intelligence Agency. The emails show Stratfor's web of informers, pay-off structure, payment laundering techniques and psychological methods.

[Analytical & Intelligence Comments] RE: Above the Tearline: Osama bin Laden's Safe-House

Released on 2013-02-20 00:00 GMT

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<td>From</td>
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<tr>
<td>To</td>
<td><a href="mailto:responses@stratfor.com">responses@stratfor.com</a></td>
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Marvin M. Wolff sent a message using the contact form at https://www.stratfor.com/contact.
A safe house is a secure facility that may be used by law enforcement or criminals to ensure the safety of one or more people. The location and use of the safe house should be restricted to those who have an absolute need to know. The facility must have certain characteristics if it is to function as intended.

The location of a safe house in an urban environment must be close to a wide variety of means of transportation. It should be situated in a private building in a busy neighborhood where there is less notice taken of the movement of people and vehicles. Ideally the buildings or structures on either side should be owned or controlled by the organization operating the safe house. The operators of the safe house should have the


2/10/2016

The Global Intelligence Files - [Analytical & Intelligence Comments] RE: Above the Tearline: Osama bin Laden's Safe-House

ability to surveil the surrounding area both by electronic and personal means.

The rural environment requires that the safe house be located as far away as possible from neighbors. The further back the facility is from the road the better it will be concealed from casual observation. There should be no mailbox and no other deliveries scheduled to that location. The barn and other outbuildings should be physically secured to prevent their use as surveillance positions. Shrubs, small trees and other growth that can be used for concealment should be removed from areas adjacent to the facility.

Detection sensors may be placed in trees or buried in the grounds near the facility.

The facility should be equipped with a functioning detection system that actuates by proximity to the structure and by attempts at intrusion. The facility should have secondary means of egress into adjoining structures or areas. In apartment type buildings the use of adjacent organization controlled apartments lends itself to this purpose. Stand-alone buildings should be equipped with a secure tunnel leading to an adjacent building or a secure exterior location such as a shed or garage.
The interior of the safe house should contain a secure safe room to which the occupants can flee if escape to the outside is impossible. The safe room should not be readily visible to intruders and constructed in a manner as to not appear to be part of the facility. The entrance door should be no less resistant to entry than the door to the facility itself. If possible, it should have a second means of egress. This room should be constructed of materials that can withstand attempts at penetration.

The room should contain all the necessary components to support the occupants. These include food, water, medications, first aid materials, sealable waste containers, floor mats, sleeping bags, communications equipment, eye and ear protection, self-contained breathing apparatus, body armor, defensive and offensive weapons, lighting sources, backup power supplies and portable halon fire extinguishers.

A backpack containing maps of the local area, schedules for trains, buses, ferries, and planes, currency, identification documents, a concealable firearm with spare ammunition, capsicum spray canister, eyeglasses and other material for disguises, a Swiss Army type knife, a small monocular, and a miniaturized AM/FM radio should be kept near the means of egress.

The operators of the safe house should constantly be involved with situational awareness. Special attention should be paid to buildings or structures from which the safe house may be surveilled. Close attention must be paid to street repair, building maintenance, utility workers, delivery services and other personnel operating near the facility. Unusual pedestrian or vehicle traffic or the absence of those should be cause for alarm. The operators of the safe house must always keep in mind that the safety of the occupants relies on their ability to execute the security plan. Complacency is the enemy of security.

Source:
http://sz0007.ev.mail.comcast.net/zimbra/h/search?
si=0&so=0&sc=571616&sf=2&st=message&id=390960&xim=1&action=view
Training and Upcoming Events

Investigating and Prosecuting Animal Cruelty Cases.

The Whatcom County Sheriff’s Office has detected an increase in the frequency and complexity of criminal cases involving the torture and abuse of domestic animals. To help develop the skills of law enforcement officers and prosecutors in addressing these issues, the Sheriff’s Office is sponsoring a seminar “Investigating and Prosecuting Animal Cruelty Cases.” Experts will cover topics such as the link between animal and human abuse, the dynamics of animal abuse in domestic violence cases, a review of Washington’s Anti-Cruelty statutes, as well as investigative techniques and the collection and preservation of evidence. The seminar is directed towards detectives and criminal investigators who investigate these matters, line level patrol officers, animal control officers and prosecutors.

The seminar will be held at the Best Western Lakeway Inn in Bellingham on October 17 and 18, 2005. The attached brochure lists the speakers and describes the program in further detail. The fee for the two-day workshop is $50.00. Please contact the Best Western Lakeway Inn at 360-676-1011 at for special room rates if you wish to stay at the Inn.

Please see attachment to this Journal (Attachment PG14) and for further information/registration please contact Marvin Wolff, 360-676-6650 or mailto:MWolff@co.whatcom.wa.us
Whatcom County Sheriff’s Office Support Foundation
Insider Position: Marvin Wolff, Board of Directors
Founding member and elected Secretary since 2009
UBI #602948721

Mission: “...to fund Sheriff’s Office project not funded by the county budget.”

- Blog: [http://whatcomcountysheriff.org](http://whatcomcountysheriff.org)
- Address: 3901 Airport Way, Bellingham, WA

- Mark Shintaffer has a Whatcom County Email address at: Shintaf@co.whatcom.wa.us

- **Marvin Wolff** has two Whatcom County Email address at: mwolff@co.whatcom.wa.us and at mwolff@whatcom.onmicrosoft.com

**Policy Maker:** Online documents show that prior to founding the Whatcom County Sheriff’s Support Foundation, Wolff goes to statewide Association of Counties meetings, and lists himself as a Deputy Sheriff with a Whatcom County email address at the statewide Washington State Interoperability conference – an event related to national security communications.

Working from inside Whatcom County’s administration as the head of the Sheriff’s Advisory Group, and doubling as the secretary of this non-profit, Wolff is a strong inside supporter of the jail industries expansion projects. Wolff’s emails indicate he advises the Sheriff on things from tactics lists and strategic management, to data analysis, technical writing and public relations. Wolff advises on who to appoint to the Sheriff’s Advisory Group, how to do fundraising.

Wolff coordinates efforts with the Sheriff, Wendy Jones, other deputies and Ray Baribeau. Wolff oversees press releases and posts that go on the Whatcom County Sheriff’s Office Support Foundation blog, and shares information with the Public Safety Now Group through Ray Baribeau.
**WHATCOM COUNTY SHERIFF’S OFFICE SUPPORT FOUNDATION**

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**Governing Persons**

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<tbody>
<tr>
<td>Director</td>
<td>WOLFF, MARVIN</td>
<td>5413 BARR RD FERNADE, WA 98248</td>
</tr>
<tr>
<td>Director</td>
<td>CHAMEERS, CODY</td>
<td>7960 E GULF COURSE DR BLAINE, WA 98230</td>
</tr>
<tr>
<td>Director</td>
<td>KENT, MICHAEL</td>
<td>5631 NAKAT COURT BLAINE, WA 98230</td>
</tr>
<tr>
<td>Treasurer</td>
<td>Shintafer, Mark</td>
<td>3901 Airport Way BELLINGHAM, WA 98226</td>
</tr>
<tr>
<td>President</td>
<td>Chambers, Cody</td>
<td>7960 E GULF Course Drive BLAINE, WA 98230</td>
</tr>
<tr>
<td>Vice President</td>
<td>Kent, Michael</td>
<td>5631 Nakat Court BLAINE, WA 98230</td>
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<tr>
<td>Secretary</td>
<td>Wolff, Marvin</td>
<td>5413 Barr Road FERNADE, WA 98248</td>
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Addendum 1-2 Dates 04-17-2016 to Noble Cause Corruption Complaint #1122 filed 11-30-2015 by Joy Gilfilen

Whatcom County Sheriff’s Office Support Foundation – a Special Blog

MARCH 23, 2016

Whatcom County Sheriff’s Office
Sheriff Efo’s blog, news and features

You are here: Home / About / About the WCSO Foundation

About the WCSO Foundation

March 21, 2011 by admin Leave a Comment

Like Sign Up to see what your friends like.

WCSO Foundation: Promoting Excellence in Public Safety

In 2009, a group of concerned citizens approached Sheriff Efo with the idea of helping the Sheriff’s Office provide excellence in public safety by creating a non-profit 501(3)(c) charitable corporation to fund Sheriff’s Office projects that were not funded in the county budget.

A board of directors was elected consisting of Mr. Cody J. Chamber, President; Michael Kent, Vice President; Robert C. Pittman, Counsel; Perry T. Sikes, Treasurer, and Marvin M. Wolff, Secretary. The Board established a bank account so that donations could be made for general purposes or for specific functions such as the Sheriff’s Office Honor Guard, Emergency Management, Deputy Sheriff Reserve program, Operations and other activities. The Foundation has been the beneficiary of funds and equipment from individuals, corporations and other non-profits.

The financial activities of the Foundation are conducted in a business-like manner and reviewed by a Certified Public Accountant. All disbursements require the signatures of at least two Board members.

Anyone wishing to help with this worthwhile program can contact the Board President Cody Chambers at cchambers@jerrychambers.com or Perry Sikes at perrysikes@msn.com. Communications may also be addressed to Marvin Wolff at mmnwolff@comcast.net. Donations may be made by sending a check to the Whatcom County Sheriff’s Support Foundation c/o Cody Chambers Chambers Chevrolet.

3891 Northwest Avenue
Bellingham, WA 98226

Donors will receive a receipt and may designate as to any specific program they wish for their donation to apply.
When you read through this blog, which you can do online, you will see the amount of information that is included that is promoting the big jail...and the militarization of our communities, the stories of violent crimes, etc.

Yet when you read their own real statistics with a fresh eye, the reader will discover that violent crime has dropped 25% since 2009 according to the Prosecutor, and juvenile crime is down 80%. So the claim we need a bigger jail is not justified with valid statistics.
We should add some information to the blog both “about the site” and “about the Foundation” that operates and supports it. I have taken a rough first cut.

We can discuss at our Tuesday meeting. It would be helpful if Marvin could vet with the Foundation Board members and receive their comments.

About this site

This site is owned and maintained by the Whatcom Sheriff’s Support Foundation. The Foundation was formed as a charitable 501(3)(c) corporation by a group of citizens concerned about public safety and budgetary challenges faced by the Sheriff’s Office.

As resources and technical support become scarcer, the Foundation recognizes the value of taking advantage of social media and blogs as a means of keeping citizens informed. Other law enforcement agencies and public entities have enjoyed success with these communication methods.

By ordinance, the Whatcom County web-site is the official site of all county government. However, the Foundation site has extended capabilities and will enhance the quality and quantity of information the Sheriff’s Office is able to disseminate to the citizens of Whatcom County.

This site will provide our citizens and the press with news releases, information about crime trends and wanted criminals and will do short features on various units of the Sheriff’s Office.

The site will also contain a weekly blog in which the Sheriff Elfo, another Sheriff’s Office official or an invitee from another will publish a short essay on an important public safety issue.

We hope you find the site useful and invite your comments.

About the Foundation

In 2009, a group of concerned citizens approached Sheriff Elfo with the idea of helping the Sheriff’s Office provide excellence in public safety by creating a non-profit 501(3)(c) charitable corporation to fund the Sheriff’s Office project that were not funded in the county budget.

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On Feb 25, 2012, at 2:07 PM, Bill Elfo wrote:

Thank you Isaac and Terry!

On another note, I met with the new leadership of the Deputy Sheriffs’ Build (law enforcement deputies Sgt. Kevin Meda and Detective Steve Roff) this morning - among other things, they are eager to assist the Committee to help move forward the jail project. Sgt. Caleb Erickson from the Corrections Deputy side of the house is also eager to assist.

Is there any objection to my inviting them to the next Committee meeting? They are anxious to help and will help build credibility as a major stakeholders.

Bill

Sheriff Bill Elfo
Whatcom County Sheriff’s Office
311 Grand Avenue
Bellingham, Washington 98225
(360) 676-6650
(360) 676-7738 (Fax)

info@wcss.org 02/25/12 1:05 PM
Sheriff’s Advisory Group
Marvin Wolff – Strategist

This hand-picked group was recommended by Marvin Wolff to the Sheriff in emails. In different documents, this group seems to be also loosely referred to as the Sheriff’s Advisory Board, the Sheriff’s Support Group, the Citizen’s Advisory Group, or other variations. It has not been confirmed if these groups are also standalone groups.

Marvin Wolff works directly from the Sheriff’s office and in emails it shows that he serves as a key strategic advisor using the following email addresses:

- mnmwolff@comcast.net – seems to be for more personal communications
- mwolff@co.whatcom.wa.us – seems to be used selectively for the Advisory Group
- mwolff@whatcom.onmicrosoft.com – seems to be for higher level communication (with Wendy Jones, Sheriff Elfo for example)

Members of this Sheriff’s Advisory Group, as per different communications, seems to include:

- Marvin Wolff
- Ray Baribeau
- Mark Shintaffer
- Paul Harris
- Doralee Booth
- Terry Terry
- Constantine Papadakis
- Bill Newman (more recently)

- and then communications expand from there.

Who authorized this advisory group imbedded in our government? Is it legal? This group is unknown to the public, and not accountable to Council or transparent to the voters. They get briefings and meet for different reasons inside the Sheriff’s office and include staff.
Example of an Email from Marvin Wolff to members of the Advisory Group - including Baribeau:

→ Some of whom are the original Founding Board members of the WCSO Support Foundation 501C3
→ Who then became the Public Safety Now Members
→ Who then became the Citizens for a Humane & Safe Jail Now PAC
→ And, who operate out of the Sheriff’s Office, working directly with the Sheriff

...and WHO MEET IN THE SHERIFF’S OFFICE CONFERENCE ROOM!

From: mnmwolff@comcast.net [mailto:mnmwolff@comcast.net]
Sent: Monday, August 03, 2015 9:54 AM
To: Booth, Doralee; Elfie, Sheriff; Friske, Bob; Harris, Paul; Kent, Mike; Meyers, Paul; Glemmon, Bill; Papadakis, Constantine; Sano, David; Shintaffer, Mark; Wolff, Marvin; Wolff, Marvin; baribeau, ray
Subject: Advisory Group Meeting Reminder

Hi, Just a reminder that the Sheriff’s Advisory Group will meet on Tuesday, August 4, 2015 at 7:30 AM at the Sheriff’s Office conference room. The Sheriff will provide an update on several matters. Thank you, Marvin
Example of Marvin Wolff Publicly Disparaging and Undermining Council Members

This is a Letter to the Editor that was published in the Bellingham Herald, where Wolff discredits Council Members in 2015 (during the campaign) for doing their jobs, for exercising due diligence and questioning the sales tax initiative in 2015. He does it while promoting the County Executive who is running for election. He does it while he avoids responsibility, then blames, shames, incites speculation and instills fear in others. This letter, while published was eliminated from the Bellingham Herald’s search history but is still saved.

Letters to the Editor

June 23, 2015

Questions delay of new jail construction

Eleven years ago, I stood next to the then-county executive, Pete Kremen, when he told the citizens of Whatcom County that if they voted for the one-tenth of one percent increase in the sales tax that he would build a new safe jail. He did not do it. He kicked the can down the road for 11 long years. Now, I believe Ken Mann has picked up the can and is preparing to kick it down the road for another 10 years.

Meanwhile, the county employees, correction deputies and staff are laboring in an unsafe workplace trying to manage an over-capacity inmate population with failed control systems and inmates forcibly housed in inhumane conditions. The current county executive has had the courage and will to correct the existing problems. His actions will lead to the prevention of exposure of horrendous liability for the citizens of Whatcom County should an event occur in the jail.

I do not know why Mr. Kremen and Mr. Mann have continuously tried to obstruct the process leading to the construction of a new safe jail. They need to put their self-interests aside and start working for the safety of the corrections staff and the inmates and on behalf of the citizens of Whatcom County.

Marvin M. Wolff

Read more here: http://www.bellinghamherald.com/opinion/letters-to-the-editor/article25442538.html?storylink=cpy
Ray Baribeau - Co-Chair
Prison Fellowship Whatcom County

Ray Baribeau is a privileged jail operations type of insider. He volunteers in plain sight and testifies repeatedly while the real undercurrent of his influence is hidden from the public.

One video shows this title above, although he is also referred to as the ‘head’ of Jail Ministries. Baribeau works tactically with Sheriff Elfo and Chief of Corrections Wendy Jones and other staff. Baribeau has written timelines, created publicity campaigns, organized testimony, does tours, gathers and dispenses information for the Sheriff through several different positions of privilege and influence:

- **Appointed as a Member of the Jail Planning Task Force in 2011**

- Key member of Public Safety Now advocacy group from 2012.

- Actively promoted the jail plan in 2015 while collaborating directly with the Sheriff, Corrections Chief Wendy Jones and Marvin Wolff on projects.

- Strong proponent of the jail expansion project. Baribeau testifies as a member of the Jail Planning Task Force, and does public radio interviews advocating the jail expansion project. Baribeau has organized people, testimony, and galvanized political support for the jail expansion and jail tax. Baribeau did voice-overs, both group and press tours of the jail as he helped create the media promotional material promoting the jail tax.

- Videos used to promote the jail expansion and the tax started as Public Safety Now Group videos, then became WhatcomJail.com political action committee videos produced by the Citizens for a Humane & Safe Jail Now PAC when he became the Chair in 2015.

- Co-Chaired the Citizens for a Humane & Safe Jail Now PAC with Terry Terry, the wife of the other Co-Chair of the Prison Fellowship. This political action committee was established in 2015 to promote the Whatcom County Proposition 2015-1 Jail Facility Sales and Use Tax campaign. Bob Friske was listed as Coach of the PAC.

- This PAC received and actively campaigned to pass the jail tax by raising and spending $9,757.27 on radio spots, website, social media, producing videos, marketing tools. Contributors to this PAC included elected officials Whatcom County Executive Jack Louws and Chief of Corrections, Wendy Jones, and PSN members such as Ray Baribeau, Robert Friske, Joan Dow and Dorathey Booth.

- E-mails from the campaign period show Baribeau was instrumental in creating the marketing messages claiming that the officials were being “held hostage” by the opponents of the jail tax.
Team,

Many of you submitted sheets with objections to a new jail that you had heard in the community. I was able to condense the questions into the ones you'll see on the attached document. Wendy Jones and I have collaborated on the answers and this should give you the information you need to refute the common objections.

Enjoy!

Ray
‘Hostage Holding’ – Action to Discredit Taxpayers

This email from Ray Baribeau shows that he launched the propaganda campaign to disparage and discredit the taxpayers and Council members who were standing up in opposition to the jail tax. It can be verified in the testimony before the Whatcom County Council that several members of Baribeau’s insider lobby group then used this tactic to undermine the taxpayers.

How is it ok that an insider jail operations volunteer becomes an official member of the Jail Planning Task Force, then a strategic advisor and campaign lobbyist operating under the Sheriff’s authority and with the support of the Prosecutor and County Executive?

-----Original Message-----
From: Ray Baribeau [mailto:ray_baribeau@q.com]
Sent: Friday, April 10, 2015 8:29 AM
To: Theresa Erickson; Terry Terry; Bob Friske; Doralee Booth; Max & Carole Perry; Marvin Wolff
Cc: Jack Louws; Bill Elfo
Subject: Re: HOSTAGE HOLDING

Team,

While giving a jail tour to Max & Carole Perry yesterday, I came to the realization that the anti-incarceration advocates and their pawns on the council are holding the SAFE new jail process HOSTAGE for their political agenda. If one or more of you who plan to speak at the open session at Tuesday's council meeting would like to use the phrase "holding hostage" it might be picked up by the media.

When I talked to Superior Court Judge Ira Uhrig this morning and mentioned the holding hostage observation, he paused, then said I was right.

Peace,

Ray
Summary: Privileged ‘Insiders’ Wolff and Baribeau Strategically Imbedded within the Sheriff’s Office

Key Issue: Documents show that the Sheriff’s Foundation Board and the Sheriff’s Advisory Group insiders clearly were working with conflicts of interest, influencing the original facilities demand, then strategically setting up and influencing policy and tactical actions. This raises legal, ethics and campaign questions.

Documents gathered show how Wolff and Baribeau - as key strategic and tactical volunteers – have been coordinating efforts through the Sheriff’s office to expand the original jail industries plan; then organized a pre-mediated and orchestrated support campaign in 2015.

Since the original cooperation and connections are hidden behind volunteerism, the insider interrelationships and influence is not transparently disclosed to the public. This created a situation where privileged, biased and compromised views were promoted through inside channels. This provides the illusion that what they were producing was true, when the basis for their facts has still not yet fully been established with a valid needs assessment and fiscal analysis. They worked to discredit the public opposition and even County Council members. Ultimately they controlled the press, public relations, social media and news reporting under the auspices and presumed authority of the Sheriff.

Eventually all the paper trails merge into the influencers promoting the political campaign to pass Proposition 2015-1 – Jail Facilities Sales and Use Tax
BOTTOMLINE: How is this not a Con Game & Tax Scam?

The public was never informed about this growing contrarian market. In fact, when questioned, voters were assured by Wendy Jones, Corrections Chief, there were “no private prisons here” – which is a sleight of hand answer. Voters were not aware that a concerted plan was in action since the ’90’s to expand the jail industries market reach into Whatcom county using insider marketing and lobbying efforts orchestrated by the Executive Branch. None of the Executive branch publications revealed this, and in various testimonies of the jail tax advocates it was not disclosed.

The mailer did not Fairly and Honestly Disclose:

Had this tax passed that taxpayers would have been footing the bill for the largest and most expensive capital expansion project in Whatcom County’s history.

- At one time during the campaign the “regional jail project” was estimated to be an epic $132,000,000 dollar capital project – that would dramatically increase hard costs of operations, as well as soft costs of bureaucracy.

- The effect of this tax: It would have been to underwrite and fund jail industries expansion forever. Half of this tax was to be a forever tax – which would guarantee cash flow to expand the growth of the market for generations – with no limits on jail expansion as the economy expanded.

- All done with no valid needs assessment, no cost comparisons to alternative options, no full disclosure of prior taxes passed, no agreed upon or approved jail plan...this sales tax was presumptive and open-ended.

This earmarked tax was not going to be controlled by the Council and taxpayers, instead it was to be under the control of administration through the Executive Branch.

THE LONG-TERM FINANCIAL RISKS TO TAXPAYERS in terms of forever debt, forever hard costs and operating overhead was not disclosed. The fact that overbuilding had caused bankruptcies to Counties in other states was not disclosed. The result that Counties then sold their facilities to private prison companies, and then leased back to the County was not disclosed.

The risk to FREEDOM was not exposed. This was a special tax. Had the taxpayers passed it, the jail plan was approved de facto and the Executive Branch would have effectively been able to build their jail to whatever size they determined it was needed to improve business for the corporations.

This was a deliberate takeover of the people’s right to freedom a fundamental basis of our Constitutional Rights. It was a takeover of voters’ rights to information...to self-determination.